

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

**Decision and Certificate of Compliance with Letting Agent Enforcement Order
in terms of Section 50 of the Housing (Scotland) Act 2014**

Reference number: FTS/HPC/LA/20/2125

26/1 Castle Terrace, Edinburgh, EH1 2EL (“the Property”)

The Parties:

Kristen Porter, 14b Picardy Place, Flat 1, Edinburgh, EH1 3JT (“the Applicant”)

**D.J Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH (“the
Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

Robert Buchan (Ordinary Member)

DECISION

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Letting Agent has complied with the Letting Agent Enforcement Order (“LAEO”) dated 16 December 2020 and certifies that the Letting Agent has complied with the LAEO.

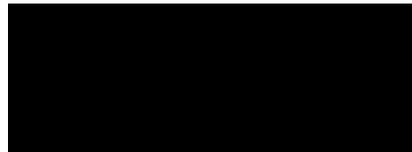
Reasons for Decision

1. By decision dated 16 December 2020, the Tribunal determined that the Letting Agent had failed to comply with the Letting Agent Code of Practice (“the Code”). The Tribunal issued a Letting Agent Enforcement Order (“LAEO”), also dated 16 December 2020. The LAEO required the Letting Agent to:
 - (i) Issue a letter of apology to the Applicant for their failure to meet the standards expected of letting agents in Scotland,
 - (ii) Undertake staff training in relation to the Code and the provisions of the Housing (Scotland) Act 2006 which relate to the repairing standard, and provide evidence to the Tribunal that this has been undertaken, and

- (iii) Pay the sum of £1770 to the Applicant, as compensation for the loss and inconvenience caused by the breaches of the Code.
2. Parts (i) and (iii) were to be carried out within 28 days of service of the Order. Part (ii) had to be completed within 3 months of service of the order.
 3. On 12 February 2021, the Letting Agent notified the Tribunal that it had complied with parts (i) and (iii) of the LAEO. They provided a copy of the letter of apology and confirmed that the compensation had been paid. On the same date, the Applicant also confirmed that she had received the letter of apology and the compensation specified in the Order. On 4 March and 7 April 2021, the Letting Agent submitted evidence that a staff member had participated in a two-part training programme on Property Condition and Property Management. A copy of a CPD certificate of attendance was provided.
 4. Having considered the submissions lodged by both parties, the Tribunal is satisfied that the Letting Agent has complied with all three parts of the LAEO and issues this certificate of compliance.

Right of Appeal

In terms of Section 46 of the Tribunals (Scotland) Act 2014 a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.



27 April 2021