

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 (LAEO) under section 50(1) of the Housing (Scotland) Act 2014 (Act)

Chamber Ref: FTS/HPC/LA/20/0926

Flat 10, Braal Castle, Halkirk, Caithness, KW12 6XE (“the Property”)

The Parties:-

Mr Cameron Chapman, Culbo Farm Cottage, Culbokie, Dingwall, IV7 8JX (“the Applicant”)

CCL Group Ltd t/a CCL Property, 62 High Street, Moray, IV30 1BU (“the Letting Agent”)

Tribunal Members

Ms Helen Forbes (Legal Member)

Mrs Elizabeth Williams (Ordinary Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (Tribunal) having determined that the Letting Agent has complied with the Letting Agent Enforcement Order (“LAEO”) dated 19th October 2020, hereby certifies that the Letting Agent has complied with the LAEO.

Reasons for Decision

2. In terms of their decision dated 19th October 2020, the Tribunal determined that the Letting Agent had failed to comply with paragraphs 17, 20, 124 and 125 of the Code of Practice for Letting Agents (“the Code”) as required by the Act. The Tribunal issued a LAEO dated 19th October 2020 ordering the Letting Agent to pay to the Applicant within 21 days of the issue of the Order the sum of £640 which constitutes two months’ rent relief, and the sum of £500 as compensation for the loss suffered by the Applicant due to the failures of the Letting Agent to comply with the Code.

3. By email dated 25th November 2020, the Applicant informed the Housing and Property Chamber that payment had been received from the Letting Agent on 20th November 2020.
4. By notification dated 23rd December 2020, the Letting Agent confirmed that the actions required by the LAEO had been complied with.
5. The Tribunal determined that the LAEO had been complied with. The Decision of the Tribunal is unanimous.

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.

Legal Member and Chairperson
24th December 2020