

**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**

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**Decision and Certificate of Compliance with Letting Agent Enforcement Order  
in terms of Section 50(1) of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/LA/21/0140**

**Parties:**

**Ms Nkechi Adeboye, 0/2 18 Melrose Gardens, Glasgow, G20 6RA ("the Applicant")**

**Mr Paul Knowles, The Only Way is HMO, 5 Princes Terrace, Glasgow, G12 9JW ("the Letting Agent")**

**Tribunal Members:**

**Shirley Evans (Legal Member and Chair) and Elizabeth Dickson (Ordinary Member)**

**Decision**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') having determined that the Respondent has complied with the Letting Agent Enforcement Order ('LAEO') dated 20 July 2021, certifies that the Respondent has complied with the LAEO.
2. The Tribunal's decision is unanimous.

**Reasons for decision**

1. The Tribunal issued a decision to the parties dated 20 July 2021. The Tribunal found the Respondent had failed to comply with the Letting Agent Code of Practice ("the Code of Practice") and in particular paragraphs 17, 18, 53 and 67 and issued a LAEO dated the same date.

2. The LAEO required the Respondent within 21 days from the date of service of the order to –
  - (i) Pay the Applicant the sum of ONE HUNDRED AND THIRTY FIVE POUNDS (£135) STERLING compensation for the inconvenience suffered by the Applicant for the loss suffered as a result of the failure to comply with the Code.
  - (ii) Provide the Tribunal with evidence of having established a written note of procedure in clear and concise language to ensure that all information which may affect the ability of a tenancy to start on an agreed date or where there is the possibility of a delay in handing over a property to a prospective tenant on the agreed date, is disclosed to the prospective tenant as soon as reasonably practicable and;
  - (iii) Provide the Tribunal with evidence of having established a written note of procedure to ensure the giving of notice to tenants for access in accordance with legislative requirements.
3. The Tribunal's Decision and LAEO were duly intimated by the Tribunal's administration on 3 August 2021. On 30 September 2021 the Tribunal emailed the Respondent to remind the Respondent he required to comply with the LAEO. The Respondent emailed the Tribunal on 20 October 2021 to advise he had only received the email of 30 September 2021 that day.
4. The Applicant confirmed with the Tribunal on 21 October 2021 that she had received payment from the Respondent. The Tribunal again emailed the Respondent on 26 October 2021 to remind him he required to comply fully with the LAEO. The Respondent emailed the Tribunal on 27 October 2021 to advise he would respond as a matter of priority.
5. The Tribunal emailed the Respondent again on 19 November 2021 to remind him he required to comply with the LAEO and that they expected the required evidence to be with them by 26 November 2021.
6. On 25 November 2021 an email was received from the Respondent setting out in detail the revisions he had made to his procedures in relation to a change in the tenancy, the tenant giving notice to leave, advertising and viewing properties, offering a room/flat, sending of the tenancy agreement, prior to the tenancy start date and payment of the rent and deposit. He also set out revisions he had made to his procedures for requesting access.
7. The Tribunal reviewed whether the Respondent had fully complied with the LAEO on the basis of the evidence before it. The Tribunal is satisfied that the Respondent has complied with the terms of the LAEO. The Tribunal unanimously agrees the Respondent has fully complied with the LAEO and therefore issues this certificate of compliance.

### **Rights 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 seek permission to appeal within 30 days of the date the decision was sent to them.**

**Legal Member and Chair**

**Date: 12 December 2021**

