



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

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

Reference number: FTS/HPC/LA/20/2303

**Re: Property at 12 Castlehill, Cupar, Fife, KY15 4HA
("the Property")**

The Parties:

Mr Faheem Parkar, 12 Castlehill, Cupar, Fife, KY15 4HA ("the Applicant")

**Rollos LLP, 67 Crossgate, Cupar, Fife KY15 5AS ("the Letting Agent")
represented by Ms Alice Hegarty, Rollos LLP, 67 Crossgate, Cupar, Fife, KY15
5AS ("The Letting Agent's Representative")**

The Tribunal: -

**Yvonne McKenna, Legal Member & Chair
Helen Barclay, Ordinary Member**

Decision

The First-Tier Tribunal for Scotland (Housing and Property Chamber), "the tribunal", having determined that the Letting Agent has complied with the Letting Agent Enforcement Order("LAEO"), dated 18th March 2020, certifies that the Letting Agent has complied with the LAEO.

Reasons for Decision

1. The Tribunal issued a decision to the parties on 18th March 2021 which determined that the Letting Agent had failed to comply with the Letting Agent Code of Practice ("the Code"), in particular; -
 - that the Respondent Letting Agent had failed to comply with paragraphs 26,45,86,108,110,112 and 113 of the Code.
2. The Tribunal therefore issued a Letting Agent Enforcement Order("LAEO") also dated 18th March 2021 ordering that the Letting Agent: -

(i) Pay the sum of £300 (THREE HUNDRED POUNDS) to the Applicant as compensation for the distress, stress and inconvenience caused by the Letting Agent's conduct in breach of the Code.

(ii) Issue a formal apology to the Applicant in respect of the Letting Agent's failure to comply with the above-mentioned paragraphs of the Code.

(iii) Provide documentary evidence to the Tribunal of its compliance with the above by sending such evidence to the office of the Tribunal by e-mail or by recorded delivery post.

(iv) Lodge with the Tribunal a written complaints procedure that is fully compliant with the terms of the Code.

(v) Lodge with the Tribunal a written procedure and process for dealing with repairs and maintenance that is fully compliant with the terms of the Code.

(vi) The Tribunal ordered that the steps and payment specified in this Order under paragraphs 1-5 inclusive must be carried out and completed within the period of 30 days from the date of service of the LAEO and the Tribunal's written decision accompanying the LAEO.

3. By e-mail dated 27TH April 2021, the Applicant advised the Tribunal that the Letting Agent had complied with the LAEO and had made payment of £300 to the Applicant. He stated however, that despite the apology received from the Letting Agents, that he also wanted a personal apology from Suzanne Belmonte (An employee of the Letting Agents).

4. On 20th April 2021 the Tribunal received from the Letting Agent vouching for payment of the £300 to the Applicant and for delivery of a written apology. The Tribunal received a copy of the letter of apology from the Letting Agents to the Applicant dated 7th April 2021. This letter states; -

"Dear Mr Parkar

I am writing on behalf of Rollos LLP and Rollos Property Letting to intimate our acceptance that we did not comply with our usual service standards relative to

your complaint of 16th October 2020 to our Practice Manager arising from your tenancy of 12 Castlehill, Cupar.

We endeavour to deal with any complaints expeditiously and timeously. I understand that our response to you fell outwith our expected parameters for which I would ask you to accept our apologies.

I trust that all matters have now reached a satisfactory conclusion.

Yours Sincerely Robert Inch, Partner for and on behalf of Rollos Law LLP.”

In addition, on this date the Tribunal received a written complaints procedure and written procedure and process for dealing with the repairs and maintenance that are fully compliant with the Code.

5. The Tribunal determined that the LAEO had been complied with. The apology is explicit and is from a Partner of the Letting Agents who has signed the apology letter on their behalf. This is what the decision of the Tribunal had requested and is compliant with the LAEO. There is no requirement in the LAEO for any further apologies from any individual members of staff and the apology is definitive in its terms. The decision of the tribunal was unanimous.

Right of Appeal

A Landlord, Tenant or Third-Party Applicant aggrieved by the decision of the Tribunal, may seek permission to appeal from the Upper Tribunal on a point of law only within 30 days of the date the decision was sent to them.

**Chairperson of the tribunal Yvonne McKenna
Dated: 23rd May 2021**