

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/21/2904**

**15 Bailie Drive, Bearsden, Glasgow, G61 3AL (“the Property”)**

**The Parties:-**

**Mr Stuart Anderson, 146 Frederick Crescent, Port Ellen, Islay, PA42 7BD (“the Applicant”)**

**Tay Letting, 8 Eagle Street, Craighall Business Park, Glasgow, G4 9XA (“the Letting Agent”)**

### **Tribunal Members**

Ms Helen Forbes (Legal Member)

Mr Ahsan Khan (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 9<sup>th</sup> March 2023, hereby certifies that the Letting Agent has complied with the LAEO.

### **Reasons for Decision**

2. In terms of their decision dated 9<sup>th</sup> March 2023, the Tribunal determined that the Letting Agent had failed to comply with paragraphs 17, 19, 20, 21, 26, 27, 73, 74, 89, 90, 91 and 94 of the Code of Practice for Letting Agents (“the Code”) as required by the Act. The Tribunal issued a LAEO dated 9<sup>th</sup> March 2023 as follows:

1. The Letting Agent must pay to the Applicant within 21 days of the issue of this Order the sum of £3,850 which constitutes the refund of the management fees.

2. The Letting Agent must pay to the Applicant within 21 days of the issue of this Order the sum of £500 in respect of the cost of repairing damage to the Property as a result of the Letting Agent's failures to comply with the Code.
3. The Letting Agent must pay to the Applicant within 21 days of the issue of this Order the sum of £1,000 in respect of distress and inconvenience caused to the Applicant due to the failures of the Letting Agent to comply with the Code.
3. By email dated 24<sup>th</sup> April 2023, the Applicant informed the Housing and Property Chamber that payment had been received from the Letting Agent.
4. By email dated 24<sup>th</sup> April 2023, 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  
1<sup>st</sup> May 2023