

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**Letting Agent Enforcement Order (LAEO): Section 48(7) of the Housing (Scotland) Act 2014 ("The Act")**

**Chamber Ref: FTS/HPC/18/LA/18/0967**

**The Parties:-**

**Miss Ania Gieremek, formerly residing at 564b Flat 3 Lanark Road, Edinburgh EH14 5EL (the applicant)**

**Arden Property Management LLP, 43 Morningside Road, Edinburgh EH10 4DR (the Letting Agent)**

**Tribunal members: Sarah O'Neill (Chairing member), Mary Lyden (Ordinary member)**

Whereas in terms of their decision dated 19 September 2018, the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Letting Agent has failed to comply with the Letting Agent Code of Practice ("The Code") and in particular that the Letting Agent has failed to comply with the following aspects of the Code:-

Paragraphs 17 and 110

The Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failures listed above.

The Tribunal requires the Letting Agent to:-

- (a) Pay to the applicant the sum of £361.40, as compensation for 1) the total amount of rent incorrectly claimed by the Letting Agent from the applicant for the 16 days from 28 May until 12 June 2018 inclusive i.e. £331.40; and 2) the £30 late rent charge added to the final sum claimed from the applicant by the Letting Agency. **But this sum is to be paid to the applicant only in the event that the applicant is not awarded a sum equal to or greater than £361.40 by the SafeDeposits Scotland dispute resolution scheme. Any lesser amount awarded to the applicant by that dispute resolution scheme should be subtracted from the £361.40, and the Letting Agent shall pay to the applicant the**

**sum required to bring the amount paid to the applicant up to a total £361.40.**

- (b) Pay to the applicant a further sum of £200 as compensation for the stress and inconvenience suffered by the applicant as a result of the failure to comply with paragraphs 17 and 110 of the Code.
- (c) Issue a formal written apology to the applicant in respect of the Letting Agent's failure to comply with paragraphs 17 and 110 of the Code.
- (d) Provide documentary evidence to the tribunal of its compliance with the above by sending such evidence to the office of the First-tier Tribunal for Scotland (Housing and Property Chamber) by email or by recorded delivery post.

The Tribunal order that the steps and payment specified in this Order must be carried out and completed within the period of **28 days** from the date of service of this Order.

**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.**

**Please note that in terms of section 51(1) of the Act, a Letting Agent who, without reasonable excuse, fails to comply with an LAEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.**

S O'Neill

Legal Member and Chair

19/9/18

Date