

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/LA/21/1040

The 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”)

Letting Agent Registration Number: 476326/260/16101

Tribunal Members:

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

Whereas in terms of their decision dated 20 July 2021 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 :-

Section 2 (Overarching standards of Practice)

Paragraph 17. You must be honest, open, transparent and fair in your dealings with landlords and tenants (including prospective and former landlords and tenants).

Paragraph 18. You must provide information in a clear and easily accessible way.

Section 4 (Lettings)

Paragraph 53. If a tenant lives at the property, you must give them reasonable notice of appointments (at least 24 hours in line with your statutory requirements), unless other arrangements for viewings have been agreed with them. You must ensure the tenant is present, unless otherwise agreed.

Paragraph 67. If there is delay in handing over the property to the tenant on the agreed date, you must inform them of this and explain why as soon as possible.

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:-

- i. Pay the Applicant the sum of ONE HUNDRED AND THIRTY FIVE POUNDS (£135) STERLING within 21 days from the date of service of this order as 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 within 21 days from the date of service of this order 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.**
- iii. Provide the Tribunal within 21 days from the date of service of this order evidence of having established a written note of procedure to ensure the giving of notice to tenants for access in accordance with legislative requirements.**

The Tribunal order that the steps and payment specified in this Order must be carried out and completed within the period of 21 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.

Legal Member and Chair

20 July 2021

Date