

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/19/0158**

**Property at 16 Cormorant Avenue, Houston PA6 7LW  
 (“the House”)**

**The Parties:-**

**Mrs Helen Richardson, 51 Cormorant Avenue, Houston PA6 7LG  
 (“the applicant”)**

**Lind Letting, 1 Kirkinner Place, Main Street, Bridge of Weir PA11 3AA  
 (“the Letting Agent”)**

**Tribunal Members:**

**Neil Kinnear (Legal Member and Chair)**

**Elizabeth Currie (Ordinary Member)**

Whereas in terms of their decision dated 27<sup>th</sup> March 2019, 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:-

Paragraph 26 in respect that it failed to respond to a complaint within a reasonable timescale, and paragraphs 112 and 113 with respect to complaints resolution;

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:-

- 1) Send a letter to the Applicant acknowledging receipt of her written complaint within three working days from the date of service of this Order;
- 2) Investigate the Applicant’s complaint and send a formal written outcome of its investigation within fifteen working days of sending the acknowledgement letter;
- 3) Comply with paragraph 113 of the Letting Agent Code of Practice by setting out in its written complaints procedure how it will handle complaints against contractors and third parties.

The Tribunal orders that the steps specified in this Order must be carried out and completed within the period of 18 working 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.**

N Kinnear

Legal Member and Chair

28/03/19 Date