

# 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 in terms of Section 48 (7) of the Housing (Scotland) Act 2014 ("the Act")**

**Chamber Ref: FTS/HPC/LA/19/3156**

#### **The Parties:-**

**Justine Williams, 21 Hunter Hall Place, St Madoes, Perth PH1 7TZ ("the Applicant")**

**Pavillion Properties, 86 Bell Street, Dundee, DD1 1HN ("the Letting Agent and Respondent")**

#### **Tribunal Members:-**

<b>Petra Hennig McFatridge -</b>	<b>Chairing and Legal Member</b>
<b>Frances Wood -</b>	<b>Ordinary Member (Housing)</b>

This document should be read in conjunction with the decision of the First-tier Tribunal ("the tribunal") under section 48(6) of the 2014 Act of the same date.

Whereas in terms of their decision, 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") the Tribunal now requires the Letting Agent to take such steps as are necessary to rectify the failure(s) and makes the following **Letting Agent Enforcement Order ("LAEO")**:-

#### **Within 28 days of intimation of the LAEO the Letting Agent must:-**

- 1. Pay to the Applicant the sum of £278 in cleared funds and provide to the Tribunal evidence of said payment. The amount comprises:**
  - a) £128 compensation for breach of the Letting Agent Code of Practice No 73 as set out in the decision document**
  - b) £100 compensation for breach of the Letting Agent Code of Practice No 108 as set out in the decision document**
  - c) £50 compensation for breach of the Letting Agent Code of Practice No 112**
- 2. In terms of Number 110 ("110: You must make landlords and tenants aware of the Code and give them a copy on request, electronically if you prefer to") provide information to the landlord regarding the Code of Practice and offer them a copy of same in either**

**paper or electronic format and provide evidence to the Tribunal that this has been done.**

- 3. In terms of Number 112 ("112. You must have a clear written complaints procedure that states how to complain to your business and, as a minimum, make it available on request. It must include the series of steps that a complaint may go through, with reasonable timescales linked to those set out in your agreed terms of business. ") provide a copy of the complaints procedure drafted in compliance with the Code of Practice and to be used in all future dealings with their clients the landlord and the Tribunal.**

**Please note that in terms of section 51(1) of the 2014 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. Where the Tribunal decides that a Letting Agent has failed, without reasonable excuse, to comply with a LAEO the Tribunal must notify the Scottish Ministers under section 50 of the 2014 Act.**

#### **Appeals:**

**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.**

**Petra Hennig McFatridge  
Chairing and Legal Member  
8 October 2020**