

Housing and Property Chamber First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

In an Application under section 48 of the Housing (Scotland) Act 2014

by

The Church of Scotland General Trustees, 121 George Street, Edinburgh EH2 4YN (“the Applicant”)

**Realter Ltd, Hallcroft, Corsock, Castle Douglas, Kirkcudbrightshire DG7 3DJ;
Gary Wardell, c/o Keller Williams, Centrum Buildings, 38 Queen Street,
Glasgow G1 3DX; and Mike Mason c/o Keller Williams, Centrum Buildings, 38
Queen Street, Glasgow G1 3DX (“the Respondent”)**

**Re: The Manse, Kirkton, Dumfries DG1 1ST
 (“the Property”)**

Chamber Ref: FTS/HPC/LA/19/2802

Tribunal Members:

John McHugh (Chairman) and Frances Wood (Ordinary (Housing) Member).

Decision

The Tribunal hereby determines that the Letting Agent Enforcement Order has not been complied with.

The decision is unanimous.

Reasons for Decision

The Tribunal issued a Letting Agent Enforcement Order (“LAEO”) on 10 January 2020 in the following terms:

"Within 31 days of the date of the communication to the Respondent of this letting agent enforcement order, Realter Ltd must:

1 Pay to the Applicants the sum of £4500.

2 Confirm in writing to the office of the Tribunal that step 1 above has been carried out.

In terms of section 50(1) of the 2014 Act, the Tribunal may review whether the Respondent has complied with the LAEO."

The Tribunal gave consideration to the extent to which the LAEO had been complied with.

The Applicant has provided written confirmation to the Tribunal that the payment has not been made. The Respondent has not responded.

The Tribunal hereby finds that the LAEO has not been complied with.

Appeals

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.

Signed

Date 11 March 2020

JOHN M MCHUGH

Chairperson