

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision: Housing (Scotland) Act 2014 Section 50(2)

Chamber Ref: FTS/HPC/LA/18/1579

The Parties:-

**Mr Edward McGoldrick, 6 Colston Terrace, Airdrie, ML6 7BH
("the Applicant")**

Letting Hamilton Limited trading as Location Estate Agents, incorporated in Scotland under the Companies Act (registered number SC507543), 83-87 Cadzow Street, Hamilton, ML3 6DY ("the Letting Agent and Respondent")

Tribunal Members:-

Patricia Anne Pryce	-	Chairing and Legal Member
Elizabeth Dickson	-	Ordinary Member (Housing)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), determined unanimously that the Respondent has failed to comply with the Letting Agent Enforcement Order ("the Order") dated 1 October 2018 and that, in terms of Section 50(2) of the Housing (Scotland) Act 2014, Notice of that failure should be served on the Scottish Ministers.

Statement of Reasons

1. On 1 October 2018, the Tribunal issued an order in the following terms:-

"The Tribunal requires the Letting Agent to:-

1. Pay to the Applicant the sum of £1,050.
2. Provide documentary evidence to the tribunal of the Respondent's compliance with the above Letting Agent Enforcement Order by sending such evidence to the office of the First-tier Tribunal (Housing and Property Chamber) by recorded delivery post. "

The Order required to be complied with within 28 days of the service of the Order, that is, by 5 November 2018.

2. By written representation received on 19 November 2018, the Applicant advised that he had not received any compensation from the Respondent in terms of the Order. The Applicant confirmed that the Respondent had failed to make any contact with him.

3. The Respondent has not made contact with the Tribunal.

4. In light of the foregoing, the Tribunal determined unanimously that the Respondent had failed to comply with the Order.

Reasons for Decision

5. The Applicant has confirmed that he has not received compensation from the Respondent nor has the Respondent contacted him. The Respondent has not contacted the Tribunal to explain its failure to comply with the Order nor to provide a reasonable excuse as to why it has not complied with the Order. The Respondent has failed to engage with the Tribunal at any stage of the application. Given the above, the Tribunal determines that the Respondent has not demonstrated a reasonable excuse for failing to comply with the Order. Consequently, in terms of Section 50(2) of the 2014 Act, the Tribunal is obliged to serve Notice of this failure to comply with the Order on the Scottish Ministers.

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.

P Pryce

Legal Member and Chair

29 November 2018

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Date

