

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision and Certificate of Compliance with Letting Agent Enforcement Order
in terms of Section 50(1) of the Housing (Scotland) Act 2014**

Chamber Ref: FTS/HPC/LA/22/1232

Parties:

**Mrs Alison Petra Humphrey, 3 Croftfoot Place, Dunipace, Stirlingshire, FK6 6Q,
("the Applicant")**

**Garden Stirling Burnet, Solicitors, 22 Hardgate, Haddington, East Lothian,
EH41 3JR ("the Letting Agent")**

Tribunal Members:

Shirley Evans (Legal Member and Chair) and Gerard Darroch (Ordinary Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') having determined that the Respondent has complied with the Letting Agent Enforcement Order ('LAEO') dated 10 August 2022, certifies that the Respondent has complied with the LAEO.
2. The Tribunal's decision is unanimous.

Reasons for decision

1. The Tribunal issued a decision to the parties dated 10 August 2022. The Tribunal found the Respondent had failed to comply with the Letting Agent Code of Practice ("the Code of Practice") and in particular paragraphs 17, 21, 27, 90 and 93 and issued a LAEO dated the same date.

2. The LAEO required the Respondent within 28 days from the date of service of the order to –
 - (i) Draft or review any in-house guidance and procedures to be followed for the recording of repairs and maintenance items reported or otherwise brought to the Respondent's attention to ensure that all repairs and maintenance are instructed timeously and if appropriate in accordance with specific instructions and where necessary, that repairs or maintenance are supervised and progressed in line with good management practice. In particular such guidance and procedure should include provision for keeping both the landlord and tenant regularly advised as to progress and in particular when items of repair or maintenance have been delayed. Such guidance and procedures should ensure all inspections including gas and electrical inspections and other statutory requirements under the Repairing Standard are complied with. In particular, such guidance and procedures should ensure that copies of inspection reports are sent to the landlord within a specific period. The guidance and procedures should be in clear and precise language.
 - (ii) Draft or review any repairs and maintenance policy categorising repairs, clearly setting out the timescale for instructing such repairs and for the completion of repairs depending on the nature and urgency of the repair. The policy should reflect the guidance and procedures for repairs and maintenance. The policy should be in clear and precise language.
3. The Tribunal's Decision and LAEO were duly intimated by the Tribunal's administration on 10 August 2022. On 22 August 2022 the Tribunal received an email from the Respondent setting out a revised Lettings Repair Policy. The Tribunal reviewed whether the Respondent had fully complied with the LAEO. The Tribunal determined that the Respondent had not fully complied with the LAEO and emailed the Respondent on 23 September 2022 requesting that the Respondent undertake a further review.
4. On 17 October 2022 the Respondent forwarded a further revised Lettings Repair Policy. The Tribunal have reviewed this. The Tribunal is satisfied that the Respondent has complied with the terms of the LAEO and has addressed all the issues identified. The Tribunal unanimously agrees the Respondent has fully complied with the LAEO and therefore issues this certificate of compliance.

Rights of Appeal

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 seek permission to appeal within 30 days of the date the decision was sent to them.

Shirley Evans

Legal Member and Chair

Date: 22 October 2022