

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

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

**Reference number: FTS/HPC/LA/20/1904**

**Wendilane Limited ("the Applicant")**

**Edzell Property Management ("the Respondent")**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member), Janine Green (Ordinary Member)**

### **Background**

Whereas in terms of the Decision dated 2 June 2021, The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Respondent had failed to comply with the Letting Agent Code of Practice ("The Code") and in particular that the Respondent had failed to comply with the requirements of Paragraphs 21; 26; 29 (a); 30; 32 (a) 32 (b); 32 (f); 32(k); 32(m); 32 (p); 32 (q),78; 107;110;112; 120; and 124 of the Code, the Tribunal made a Letting Agent Enforcement Order (LAEO) and required the Respondent to take steps to rectify their failures.

### **The terms of the LAEO**

The Tribunal required the Respondent to: -

- 1. Provide to the Tribunal, within 21 days, evidence of having established a complaints procedure which is to be issued to all new clients and existing clients on request and which informs clients of how any complaint should be made and how and when complaints will be dealt with together with the relevant timescales for response. This*

*procedure should also inform clients of their rights to raise an Application to the Housing and Property Chamber as per paragraphs 110 and 112 of the Code.*

- 2. Provide to the Tribunal, within 21 days, evidence of having revised their standard management agreement to accurately identify to clients how the Respondent's charges are calculated and to provide in clear and concise language the typical costs involved in the provision of the Respondent's services including ending or transferring management of any property and any other set up charges. The management agreement should also refer to the timescales for responding to communications in respect of the Respondent's general service standards.*
- 3. Confirm to the Tribunal, within 21 days, that their letting agent registration number is included on all relevant documents and communications in line with their legal requirements under the 2014 Act as per paragraph 107 of the Code.*
- 4. Pay the sum of £1,152.00 to the Applicant as compensation.*

### **Evidence of compliance.**

Evidence was received from the Respondent setting out how the terms of the LAEO have been complied with. The information received appears satisfactorily to address the orders made in the LAEO. Evidence was also provided of the appropriate payment having been made to the Applicant.

### **Conclusion**

On the basis of the evidence before it, the Tribunal is satisfied that the Letting Agent has complied with the terms of the LAEO. Therefore, the Tribunal issues a certificate of compliance with that LAEO.

### **Rights of Appeal**

**In terms of S 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.**



26 October 2021