

Housing and Property Chamber

First-tier Tribunal for Scotland



STATEMENT OF DECISION TO SERVE A NOTICE OF FAILURE TO COMPLY WITH A LETTING AGENT ENFORCEMENT ORDER ON THE SCOTTISH MINISTERS UNDER SECTION 50(2) OF THE HOUSING (SCOTLAND) ACT 2014

Chamber Reference: FTS/HPC/LA/18/3019

Parties:

Dr Susan McClean and Mr Fraser McClean, Hillview, Strathaven, ML10 6RW (" Applicants")

and

Donna Hanlon trading as Hanlon Clark, 8 Main Street, Strathaven, ML10 6AJ ("the letting agents")

Tribunal members:

Alison Kelly(Legal Member); and Anne Moore (Ordinary Member) ("the tribunal")

On 27th January 2019, the First-tier Tribunal for Scotland Housing and Property Chamber ("the Tribunal") issued a Letting Agent Enforcement Order ("the Order") to the Respondents in respect of a failure to comply with the Letting Agent Code of Practice, made under the Letting Agent Code of Practice (Scotland) Regulations 2016

The Order contained the following provisions:

Within one month of the communication to the Respondents of this Letting Agents Enforcement Order, the Respondents shall:

- 1. Lodge with the Tribunal a receipt from one of the Tenancy Deposit Schemes showing that the tenant's deposit for the property at 2A Townhead Street, Strathaven has been lodged;**
- 2. Lodge with the Tribunal evidence to show that she has made application to the letting agents Register;**
- 3. P pay the Applicants the sum of £900 in respect of rent owed to them;**
- 4. Pay the Applicants the sum of £500 in compensation for the loss suffered as**

a result of the said failures.

REPRESENTATIONS FROM PARTIES

None

REASONS FOR THE DECISION

The Letting Agents have not made any contact with the Tribunal and have not complied with the Letting Agents Enforcement Order.

RIGHT 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 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.

Please note that in terms of Section 51(1) of the Act, a Letting Agent who, without reasonable excuse, fails to comply with a Letting Agent Enforcement Order commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Signed:.....

Date...27/3/19.....

ALISON J KELLY

Chairperson & Legal Member