

Housing and Property Chamber

First-tier Tribunal for Scotland



COMPLIANCE DECISION: under section 19 of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/18/0477

Re: 16 Netherkirkgate, Aberdeen AB10 1AU ("the property")

The Parties:

Mr Emilio Ayllon, residing at Flat 12, 34 Home Street, Edinburgh EH3 9LZ ("the homeowner")

The Property Management Company (Aberdeen) Limited, incorporated under the Companies Act and having its registered office at PMC House, Little Square, Oldmeldrum, Aberdeenshire AB51 0AY, Company Number SC156893 ("the factors")

Tribunal Members

Mr David M Preston (Legal Member)

Mr David Godfrey (Ordinary Member)

Decision

The Tribunal has determined that the Factor has complied with the terms of the Property Factor Enforcement Order ("PFEO") dated 24 October 2018 therefore no further action is required.

Statement of Reasons

1. By decision dated 17 September 2018, the tribunal determined that the factors had failed to comply with the Code of Conduct for Property Factors ("the Code").
2. The tribunal issued a PFEO dated 24 October 2018. The final PFEO was sent to the parties on 26 October 2018 and requested the homeowner to advise whether the required actions had been carried out as soon as possible.
3. By letter dated 20 November 2018, the factors informed the tribunal that the requirements specified in the PFEO had been carried out with and sought confirmation that the PFEO had been fully complied with.

4. A copy of the factor's letter was sent to the homeowner on 28 November 2019. Following expiry of the deadline for compliance, a compliance check form was sent to the parties on 29 November 2018. The factors returned the form on 4 December 2018, but no response was received from the homeowner.
5. In the absence of any response from the homeowner efforts were made to contact him by telephone without success and he has made no contact with the office.
6. The tribunal is satisfied that the homeowner has had sufficient opportunity to make representations if he was not satisfied that the terms of the PFE0 had been complied with and in the absence of any representations is content to accept the information from the factors.
7. In relation to the amendment of the factors' complaints procedure, and for clarification, whilst the tribunal considers that the amendment addresses the specific issue raised in this application, the grant of this certificate of compliance should not be formal approval by the Tribunal of the factors' Complaints Procedure.
8. The tribunal is satisfied that the PFE0 has been complied with by the factors and no further action is required.

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.

..... Chairman

8 January 2019

David M PrestonChairman