

# Housing and Property Chamber

## First-tier Tribunal for Scotland



Certificate of the First-tier Tribunal for Scotland, Housing and Property Chamber, issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Chamber reference: HOHP/PF/16/0022

Re: Flat 33, Falcon House, 91 Morningside Road, Edinburgh EH10 4AY ('the property')

### The Parties:

Mrs Ethel Thomson, residing at Flat 33, Falcon House, 91 Morningside Road, Edinburgh EH10 4AY ('the homeowner');

and

Places for People Scotland, incorporated in Scotland (Company registration Number 278428) and having its Registered Office at 1 Hay Avenue, Edinburgh EH16 4RW ("the property factor")

Certificate of Compliance with Property Factor Enforcement Order dated 5 September 2016 in terms of Section 19(3) of the Property Factors (Scotland) Act 2011.

### Tribunal Members:-

George Clark (Chairperson)

Mary Lyden (Ordinary member)

### Decision of the tribunal

The tribunal determined that the property factor has complied with the terms of the Property Factor Enforcement Order made on 5 September 2016.

George Clark

Signed ..

Dated ..... 14 January 2017 .....

Chairperson



**Decision of the First-tier Tribunal for Scotland, Housing and Property Chamber, made under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016**

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**and**

**Places for People Scotland, incorporated in Scotland (Company registration Number 278428) and having its Registered Office at 1 Hay Avenue, Edinburgh EH16 4RW ("the property factor")**

**Tribunal members:**

**George Clark (Legal Chair) and Mary Lyden (Ordinary member)**

**Decision**

**The property factor has complied with the requirements of the Property Factor Enforcement Order in respect of the Property made on 4 October 2016 .**

**The Decision is unanimous.**

**Introduction**

In this decision, reference to "the Code" is to the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors. The Homeowner Housing Panel became the Housing and

Property Chamber of the First-tier Tribunal for Scotland on 1 December 2016 and this is, therefore, a Decision of the tribunal. The Homeowner Housing Panel is referred to as “HOHP”.

The HOHP made a Property Factor Enforcement Order in respect of the Property on 4 October 2016. The Order was in the following terms:

“Within 4 weeks of the communication to the property factor of this Order, the property factor shall (1) amend the Complaints Procedure section of the Castle Rock Edinvar Housing Association website to state that a homeowner not satisfied with the outcome or with the way in which a complaint has been dealt with has the right to make an application to the Homeowner Housing Panel, (2) provide the homeowner with a written apology for the property factor’s failure to acknowledge receipt of 2 letters sent by the homeowner to its managing director and for the incorrect statement made by Angela Kirkwood in her letter to the homeowner dated 21 April 2015 regarding the application of increased charges for window cleaning, (3) undertake a review of its processes and confirm having carried out such staff training as it regards as being necessary to ensure that accounting errors are kept to an absolute minimum and (4) pay to the homeowner the sum of £100 by way of compensation for the inconvenience and distress caused by the property factor’s failure to comply with the Code.”

### **Reasons for the Decision**

By letter, received by HOHP on 14 November 2016, the property factor confirmed (1) that the Complaints procedure section of its website had been amended as required by the Order and now included a link to HOHP’s website (2) that a letter of apology had been sent to the homeowner as required by the Order (3) that it had established an operating model which had increased staffing capacity through better task management and that all Private Retirement Managers now report to a dedicated Customer Relationship Officer, to ensure a consistently high quality of service across all its developments and (4) that it had offered the homeowner the option of a credit of £100 on her factoring account or a payment directly into her bank account, the homeowner had chosen the latter and the payment had been processed accordingly. The homeowner, in her response, received on 8 November 2016, to a Compliance Check letter, agreed that the actions required by the Order had been completed.

Having considered the terms of both letters, the tribunal determined that the property factor had complied with the requirements of the Order and that a Certificate of Compliance should be issued.

George Clark

Chairperson Signature ...

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Date 14 January 2017