

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Compliance with the Property Factor Enforcement Order (“PFEO”) dated 24 November 2024

Chamber Ref: HPC/PF/23/4430

Flat 0/2, 36 Budhill Avenue, Glasgow, G32 0PN (“the Property”)

Kathryn Meeke, Rosewood Cottage, Lesmahagow, ML11 0HL (“The Applicant”)

James Gibb Residential Factors, 65 Greendyke Street, Glasgow, G1 5PX (“The Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Carol Jones (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 24 November 2024 relating to the property has been complied with, certifies that the Respondent has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 24 November 2024, it made a PFEO in the following terms:

- (1) The Tribunal order the Respondent to repay to the Applicant the management fee paid by her for the period 1 February 2022 to 31 December 2023, and
- (2) The Tribunal order the Respondent to pay to the Applicant the sum of £750 for her time, effort, and inconvenience,

On 4 October 2024, the Tribunal issued a written decision with statement of reasons and a proposed PFEO. The Parties did not lodge any representations regarding the proposed PFEO. However, both confirmed that the sums specified in the proposed order had been paid by the Respondent to the Applicant.

Section 19(3) of the Property Factor (Scotland) Act 2011 states, “If the First-tier Tribunal for Scotland is satisfied, after taking account of any representations made under subsection (2)(b), that the Property Factor has failed to carry out the property factor’s duties or, as the case may be, to comply with the section 14 duty. **The First-tier Tribunal must make a property factor enforcement order.**”

Having considered the emails from the parties, the Tribunal determined that a PFEO “must” be issued in terms of Section 19(3). The Tribunal also concluded that it should be in the same terms as the proposed PFEO. However, the Tribunal is satisfied that the Respondent has already paid the Applicant the proposed compensation together with a further sum which represents the management fee for the relevant period. This was confirmed by the Applicant.

In the circumstances, the Tribunal is satisfied that the Respondent has complied with the PFEO and that a certificate to that effect should be issued.

The Tribunal determines that the Respondent has complied with the PFEO.

Appeals

A homeowner or property factor aggrieved by a 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.