

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Certificate of Compliance following upon a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under section 17(1) of the Property Factors (Scotland) Act 2011**

**Chamber Reference: FTS/HPC/PF/21/1425**

**Property address: 165/11 Slateford Road, Edinburgh, EH14 1PD (“the House”)**

### **The Parties**

**Mr Michael Smith, 165/11 Slateford Road, Edinburgh, EH14 1PD (“the Homeowner”)**

**James Gibb, Bellahouston Business Centre, 423 Paisley Road West, Glasgow, G51 1PZ (“the Property Factor”)**

### **Tribunal Members**

Ms H Forbes (Legal Member)

Mrs E Dickson (Ordinary Member)

### **Decision of the Tribunal**

The Tribunal having determined that the Property Factor Enforcement Order (“PFEO”) relating to the Property dated 11<sup>th</sup> November 2021 has been complied with, hereby certifies that the Factor has complied with the PFEO.

### **Reasons for Decision**

1. Following a Hearing on 11<sup>th</sup> October 2021, the Housing and Property Chamber issued a decision of the Tribunal dated 22<sup>nd</sup> February 2021 determining that the Property Factor had failed to comply with the Section 14 duty in terms of the Property Factors (Scotland) Act 2011 (“the Act”) in respect of compliance with paragraphs 3.3 and 7.1 of the Property Factor Code of Conduct (“the Code”) as required by section 14(5) of the Act. The Tribunal informed parties of a proposed PFEO in the following terms:

“The Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £300 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor’s failure to comply with the Code of Conduct for Property Factors.”

2. Parties were allowed the opportunity to comment upon the proposed PFEO. No comments were made, and a PFEO was put in place on 11<sup>th</sup> November 2021 in the terms proposed.
3. By email dated 11<sup>th</sup> November 2021, the Property Factor confirmed that payment had been made by the Property Factor as required by the PFEO.
4. By email dated 14<sup>th</sup> November 2021, the Homeowner confirmed that payment had been received as required by the PFEO.
5. Accordingly, the Tribunal is satisfied that the PFEO has been complied with by the Property Factor.

#### **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.**

Legal Member

19<sup>th</sup> November 2021