

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**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 Ref: FTS/HPC/PF/23/2945

Re: 3/10 Cables Wynd, Edinburgh EH6 6DU (“the Property”)

Parties:

**Mrs Anna Royer, Avenue Eugene-Rambert 30, 1005 Lausanne,
Switzerland (“the Applicant”)**

**James Gibb Residential Factors, 4 Atholl Place, Edinburgh EH3 8HT (“the
Respondents”)**

Tribunal Member:

**Graham Harding (Legal Member)
Andrew McFarlane (Ordinary Member)**

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order (“PFEQ”) issued on 20 February 2025 therefore no further action is required.

The decision is unanimous.

Statement of Reasons

1. By decision issued on 6 January 2025, the Tribunal determined that the Factor had failed to comply with its duties under section 14(5) of the 2011 Act in that it did not comply with sections OSP2, 3, 6 and 11 and Sections 2.7, 6.1 and 6.4 of the 2021 Code.

2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 6 January 2025 and invited representations within 14 days of the Notice being received by the parties.
3. No written representations were received from either party.
4. The Tribunal issued a PFEO dated 20 February 2025 in the same terms as the proposed PFEO.
5. By email received on 24 February 2025 the Respondents advised the Tribunal that the terms of the PFEO would be complied with but requested some time for completion.
6. By email dated 17 March 2025 the Respondents advised the Tribunal that they had complied with the terms of the PFEO.
7. By email dated 26 March 2025 the Applicant confirmed the Respondents had fulfilled their obligations in terms of the PFEO.
8. The Tribunal having considered matters and being satisfied that the PFEO has been complied with by the Respondents has determined that no further action is required.

Right of Appeal

9. 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 within 30 days of the date the decision was sent to them.

Graham Harding
Legal Member and Chairperson

7 April 2025