

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 (“the Act”)

Reference number:

FTS/HPC/PF/22/4114

Re: Property at 1 Manse Place, Falkirk, FK1 1JN (“the Property”)

The Parties:

Mr. William McDonald, residing at 4, Hendry Street, Bainnsford, Falkirk, FK2 7ND, (“the Homeowner”)

Your Local Factor Limited, having a place of business at Suite 136 (Orkney), First Floor, Lomond Court, Castle Business Park, Stirling, FK9 4TU (“the Property Factor”)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order (“PFEO”) relating to the Property dated 10th July 2023 has been complied with, hereby certifies that the Property Factor has complied with the PFEO.

Reasons for Decision

1. By decision dated 13 July 2023, the Tribunal determined that the Factor had failed to comply with the Section 14 duty in terms of the Act in respect of compliance with the Property Factor Code of Conduct (“the Code”). The Tribunal determined that the Factor also failed to carry out the Property Factor’s duties.
2. As required by the Act, the Tribunal issued a PFEO after giving parties an opportunity to make representations on the terms of a proposed PFEO. The PFEO was in the following terms: *“No later than 3 August 2023 the Property Factor must at its own cost and expense*
 - 1. Provide the Homeowner and the Tribunal with their procedure for tendering for repairs and maintenance works including their process for appointing contractors to an approved list;*

- 2. Provide the Homeowner with a named property manager or contact for the Property with whom the Homeowner can communicate directly;*
- 3. Compensate the Homeowner in the sum of £250.00 for the inconvenience caused to him by the Property Factor's actions and*
- 4. Credit the Homeowner's common charges account with the sums withheld by him so that the account is not in debit."*

3. By emails dated 31 October 2023, the Homeowner and the Property Factor agreed that the PFEO had been complied with. Accordingly, the Tribunal is satisfied that the PFEO has been complied with by the Property Factor.

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.

Karen Moore,

Chairperson

10 November 2023