

Housing and Property Chamber

First-tier Tribunal for Scotland



CERTIFICATE OF COMPLIANCE WITH PROPERTY FACTOR ENFORCEMENT ORDER ("PFOE")

Chamber Ref: FTS/HPC/PF/19/1168

12 Clairmont Gardens, Glasgow, G3 7LW ("The Property")

The Parties:-

Mr. John Kennedy residing at 12 Clairmont Gardens, Glasgow, G3 7LW ("the Homeowner") and

James Gibb Residential Factors, having a place of business at 65, Greendyke Street, Glasgow G1 5PX ("The Factor")

Tribunal Members

Karen Moore (Legal Member)

Carol Jones (Ordinary Member)

Decision of the Tribunal

The tribunal having determined that the PFOE dated 5 August 2019 relating to the Property had been complied with certifies that the Factor has complied with the PFOE.

Background

1. By application paperwork comprising documents received by the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") on 17 April 2019 ("the Application") the Homeowner applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination that the factor had failed to comply with Section 2 at 2.1 and 2.5, Section 3 at 3.3, Section 5 at 5.2 and 5.5 and Section 6 at 6.1 of the Code.
2. Following a Hearing on Thursday 4 July at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT, the Tribunal found that the Factor had breached

Sections 2.1, 2.5 and 5.2 of the Code but had not breached Section 3.3, 5.5 and 6.1 of the Code and imposed a PFEO dated 5 August 2019

3. Having received email correspondence from both the Homeowner and the Factor to the effect that the PFEO had been complied and the Tribunal being so the Tribunal now issue this Certificate of Compliance. No further action is required by the Factor in terms of the PFEO.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined

Signed

Karen Moore, Chairperson

Date 23 October 2019