

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**Statement of Decision in respect of applications under Section 17 of the Property Factors (Scotland) 2011 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017**

**Chamber Ref:** FTS/HPC/PF/17/0318

**Property:** Subjects at Flat 2/2, Block D, The Bridge Apartments, 350 Argyle Street, Glasgow, G2 8ND

**The Parties:-**

Mr Jordi Cornella-Detrell, residing at Flat 2/2, Block D, The Bridge Apartments, 350 Argyle Street, Glasgow, G2 8ND ("the Homeowner")

and

MXM Property Solutions Limited, having a place of business at Baltic Chambers, Suite 544-549, 50 Wellington Street, Glasgow, G2 6HJ ("the Property Factor")

### **Background**

1. This application is one of six separate applications which were lodged with the First-tier Tribunal. The six applications were made by four different owners of four different properties within the same block. The same property factor acted in respect of all four properties.
2. A Case Management Discussion took place in Glasgow on 19 April 2018 in respect of all six matters. At the conclusion of that Case Management Discussion, all parties indicated to the Tribunal that they were happy to agree that these matters should be indefinitely postponed to allow discussions to take place between the parties with a view to resolution of the applications.
3. On 15 May 2018, the home owner sent an email to the Tribunal administration. In that email he indicated that he had reached an agreement with the property factor and that he had received an apology for the inconvenience caused and a payment of compensation. From the terms of the email it was clear that the homeowner regarded the matter as resolved.

4. No correspondence has been received from the property factor in respect of this matter but the Tribunal are happy to accept the terms of the email from the home owner and are happy to accept that in this application the parties have reached an agreed settlement.
5. Accordingly the Tribunal are now content that this application should be treated as resolved and that no property factor enforcement order should be made.
6. Accordingly the Tribunal determines that this application should now be dismissed.

#### **Rights of Appeal**

7. 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.
8. 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.

J Bauld

 James Bauld, Chairperson

Date

*3 August 2018.*