

# Housing and Property Chamber

First-tier Tribunal for Scotland



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) issued under section 31 of the First-tier Tribunal for Scotland Housing and Property Chamber Procedure Regulations 2017.**

## **CERTIFICATE OF COMPLIANCE with the PROPERTY FACTOR ENFORCEMENT ORDER DATED 22<sup>nd</sup> January 2025 ('The PFEO')**

**Chamber Ref:FTS/HPC/PF/24/1260, FTS/HPC/PF/24/2750, FTS/HPC/PF/24/2751 and FTS/HPC/PF/24/2752.**

**Flat B, 2 Ferguslea Terrace, Torrance, Glasgow, G64 4BU ('the Property')**

### **The Parties:**

**Paul Martin ('the Homeowner')**

**91BC Property Services Limited ('the Factor')**

### **Tribunal members:**

**Jacqui Taylor (Legal Member) and Ahsan Khan (Ordinary Member).**

### **Decision of the Tribunal**

The Tribunal having determined that the PFEO dated 22<sup>nd</sup> January 2025 ('PFEO') relating to the Property has been complied with, certifies that the Factor has complied with the PFEO.

### **Reasons for the Decision**

1. The Tribunal issued the **PFEO** in the following terms:

*One. The Factor must provide the Tribunal with evidence of the date they issued the amended written statement of services that includes the paragraph 'Customer access to 91BC software application' and includes the provision that 'The Company reserves the right to charge a fee for access to customer-facing software application...'.*

*Two. The Factor must repay the Homeowner the late payment charges that were issued before the date of issue of the amended written statement of services.*

*Three. The Factor must pay the Homeowner £75 for the inconvenience he has suffered from their own funds and at no cost to the owners.*

*The said sums to be paid and evidence to be sent to the Tribunal that the payments have been made within 28 days of the communication to the Factor of the Property Factor Enforcement Order.'*

2. On 24<sup>th</sup> February 2025 the Factor sent the Tribunal an email which confirmed that the late payment charges had been removed and £75 had been credited to the Homeowner's account. They also provided evidence that the WSS was sent to the Homeowner via the portal on 1<sup>st</sup> August 2024. They advised that they have since updated their WSS again and a copy was sent to the Homeowner and also a copy of their WSS was added to their website.

3. The Homeowner sent the Tribunal an email dated 16<sup>th</sup> April 2025 confirming that the Factor had complied with the PFEO. He advised that the Factor had imposed a further charge whilst the matter was still ongoing.

4. The Tribunal were satisfied that the Factor has complied with the PFEO. The Tribunal therefore issues this Certificate of Compliance. No further action is required by the Factor in terms of the PFEO. The Tribunal are unable to make any finding in relation to additional changes made by the Factor as this is out with this application.

#### **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.**

**Jacqui Taylor**

Signed.....Date 9<sup>th</sup> May 2024

Chairperson