

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 10th March 2019 ('The PFEO')

Chamber Ref:FTS/HPC/PF/18/1952; FTS/HPC/PF/18/2008; FTS/HPC/PF/18/2009; FTS/HPC/PF/18/2010 and FTS/HPC/PF/18/2011

6 Circus Drive, Glasgow, G31 2JH ('the Property')

The Parties:

David Niven, residing at Flat 2/1, 6 Circus Drive, Glasgow, G31 2JH; Rhona McColm, residing at Flat 1/1, 6 Circus Drive, Glasgow, G31 2JH; Steve Hollingsworth, residing at Flat 1/2, 6 Circus Drive, Glasgow, G31 2JH; Gil Shaw, residing at Flat 0/2, 6 Circus Drive, Glasgow, G31 2JH and Marie Taylor, residing at Flat 2/2, 6 Circus Drive, Glasgow, G31 2JH ('The Homeowners')

Ross and Liddell, 60 St Enoch Square, Glasgow, G1 4AW ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Andrew Taylor (Ordinary Member).

Decision of the Tribunal

The Tribunal having determined that the PFEO dated 10th March 2019 ('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:

'Ross & Liddell Limited are directed to pay (1) each of the Homeowners Rhona McColm; Steve Hollingsworth; Gil Shaw and Marie Taylor the sum of £150 and (2) the Homeowner David Niven the sum of £300 as compensation from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to them of the Property Factor Enforcement Order. Ross & Liddell

Limited are directed to provide the Tribunal with evidence that the said sums have been paid within seven days of the payment being remitted to the Homeowners'.

2. David Niven, the Homeowners' Representative sent an email to the Tribunal Administration dated 24th April 2019 confirming that all cheques had been received except for one. He explained that the cheque due to Mrs Marie Taylor had been issued to Mr and Mrs Taylor and it was necessary for the cheque to be reissued.

3. On 3rd May 2019 Michael Ritchie, the Factor's Solicitor, sent the Tribunal Administration an email confirming that the replacement cheque had been issued to Mrs Marie Taylor. On 13th May 2019 David Niven confirmed that the replacement cheque had been received by Mrs Marie Taylor.

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.

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.

Signed..... Date 12th June 2019
Chairperson

Jacqueline Taylor