

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 11th March 2020 ('The PFEO')

Chamber Ref:FTS/HPC/PF/19/0719

6 Cedarwood Court, Cardross, Dunbartonshire, G82 5BT ('the Property')

The Parties:

Michael Nicholson C/O Artaigh, Rowmore, G84 0EH ('The Homeowners')

Lomond Property Factors Limited, The Gowk, Gartocharn, Dunbartonshire, G83 8ND ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Colin Campbell (Ordinary Member).

Decision of the Tribunal

The Tribunal having determined that the PFEO dated 11 March 2020 ('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:

'The Factor is directed to:-

- (i) *Amend their Written Statement of Services to include their response times to general enquiries as required by section 2.5 of the Code of Conduct.*
- (ii) *Provide the Homeowner and the Tribunal with a copy of the amended written Statement of Services by 14th April 2020.'*

2. The Factor provided the Tribunal with:-

2.1 Their amended Written Statement of Services, by letter dated 20th November 2019.

Section 3:17 of the Written Statement of Services had been amended to include the following:

'With regards to any identified or reported common works or services and any enquiries, LPF will endeavour to Respond to client general enquiries within 14 working days.'

2.2 Evidence that they had sent the Homeowner a copy of the amended Written Statement of Services by recorded delivery letter dated 21st November 2019 and also by email dated 9th December 2019.

3. 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.

Jacqui Taylor

Signed.....
Chairperson

.....Date 11 March 2020