

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factors (Scotland) Act 2011 ("the Act")

**Certificate of Compliance and statement of reasons following upon a decision of the
Tribunal in an application under section 17(1) of the Act**

Chamber Ref: FTS/HPC/PF/20/1983

Re.: Flat 34, Morningside View, 14 Maxwell Street, Edinburgh, EH10 5HU ("the property")

The Parties: -

Mr James Whyte, Flat 34, Morningside View, 14 Maxwell Street, Edinburgh, EH10 5HU
("the homeowner")

First Port Property Services Scotland, Troon House, 3rd Floor, 199 St Vincent Street, Glasgow,
G2 5QD ("the property factor")

Tribunal Members: - Simone Sweeney (Legal Member) Elizabeth Dickson (Ordinary
Housing Member)

Decision of the Tribunal

The Tribunal, having determined that the property factor has complied with the terms of
Property Factor Enforcement Order ("PFEO"), certifies that the Property Factor has
complied with the PFEO.

Reasons for decision

1. Reference is made to previous procedure and, in particular, to the Tribunal's PFEO
dated 10th December 2021.

2. The PFEO was in the following terms,

Within 28 days from the date of issue of this order, for the property factor to:-

- *provide to the homeowner payment of £500 by way of compensation for the failure to comply with sections 1 C e, 2.1 and 2.5 of the Code and Property Factor's duties as required by section 17 (1) (a) of the Act and in recognition of the time, preparation and inconvenience the homeowner has expended in having to bring this application.*
- *produce evidence of same to the Tribunal's administration.*

3. The PFEO was issued to parties by email on 14th December 2021.

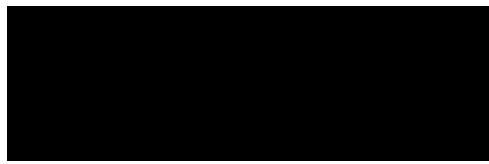
4. The Tribunal's administration received an email from the property factor dated 13th January 2022 in the following terms,

"We refer to the recent PFEO issued in respect of the above mentioned case and have provided below confirmation of the payment made to Mr Whyte. We have concealed the bank details for Mr Whyte for security purposes."

5. By email dated 14th January 2022, the homeowner confirmed that he had received payment of £500 from the property factor.

6. Having determined that the property factor has satisfied the terms of the PFEO by making payment to the homeowner in the sum of £500 which the homeowner confirms he has received, the Tribunal determine that a certificate of compliance be issued.

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 within 30 days of the date the decision was sent to them.



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Legal Chair, at Glasgow on 14th January 2022