



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Certificate of Compliance with the Property Factor Enforcement Order (“PFEO”) dated 13 April 2018 made in terms of the Property Factors (Scotland) Act 2011 (“the Act”) and issued on 17 April 2018

Chamber Ref: FTS/HPC/PF/17/0255

Re: 43 North Anderson Drive, Aberdeen AB16 6HP (“the Property”)

Parties:

MRS ANGELA COOPER, 86 Summerhill Crescent, Aberdeen AB15 6ED (“the Applicant”)

ABERDEEN CITY COUNCIL, Communities, Housing and Infrastructure, Marischal College, Business Hub 11, Broad Street, Aberdeen AB10 1AB (“the Respondent”)

Tribunal Members:

**Graham Harding (Legal Member)
Mike Scott (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Property Factor Enforcement Order has been complied with.

Reasons for Decision

The Tribunal issued a Property Factor Enforcement Order on 17 April 2018 as follows:

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Within 28 days of the communication of the PFEO to the Respondent, the Respondent must: -

- (i) Pay compensation to the Applicant in the sum of ONE HUNDRED AND FIFTY POUNDS (£150) in respect of the time and inconvenience suffered by the Applicant occasioned by the Respondent's failure to comply with its duties under the Code.
- (ii) Provide a draft Statement of Services for approval by the owners of the properties in the block in which the Applicant's property is located.

Within a further 28 days thereafter provide the Applicant with: -

- (iii) A final Statement of Services compliant with the Code (subject to any appeal lodged in terms of s5(4)(b) of the Tenements Scotland Act 2004)
- (iv) Provide documentary evidence of compliance with the above Orders to the tribunal within 7 days of having done so.

In terms of Section 23(1) of the 2011 Act the Tribunal is to determine whether the Respondent has complied with the PFEO.

By correspondence dated 15 May the Respondent's solicitor provided the Tribunal with written confirmation of compliance with parts (i) and (ii) of the PFEO. Thereafter by correspondence dated 6 July 2018 the Respondent's solicitor provided the Tribunal with written confirmation of compliance with parts (iii) and (iv) of the PFEO.

Accordingly, the Tribunal considers the PFEO to have been complied with.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

Graham Harding

Legal Member/Chair

27 July 2018
Date