

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Certificate of Compliance following upon a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under section 17(1) of the Property Factors (Scotland) Act 2011 ("the Act")**

**Chamber Reference: FTS/HPC/PF/22/1581**

**Property address: Flat 2/2, 283 Kilmarnock Road, Glasgow, G43 1TX ("the Property")**

### **The Parties**

**Mr Paul MacDonald, Flat 2/2, 283 Kilmarnock Road, Glasgow, G43 1TX ("the Homeowner")**

**Hacking & Paterson Management Services, 1 Newton Terrace, Glasgow, G3 7PL ("the Property Factor")**

### **Tribunal Members**

**Ms H Forbes (Legal Member)**

**Mrs M Lyden (Ordinary Member)**

### **Decision of the Tribunal**

The Tribunal having determined that the Property Factor Enforcement Order ("PFOE") relating to the Property dated 10<sup>th</sup> July 2023 has been complied with, hereby certifies that the Property Factor has complied with the PFOE.

### **Reasons for Decision**

1. By decision dated 20<sup>th</sup> June 2023, the Tribunal determined that the Factor had failed to comply with the Section 14 duty in terms of the Act in respect of compliance with paragraphs 2.5, 4.1 and 7.1 of the Property Factor Code of Conduct ("the Code"). The Tribunal determined that the Factor also failed to carry out the Property Factor's duties.
2. As required by the Act, the Tribunal issued a PFOE after giving parties an opportunity to make representations on the terms of a proposed PFOE. The PFOE was in the following terms:

"The Property Factor is required to remove the sum of £600, which is comprised of late payment charges and the registering of a Notice of Potential Liability, from the Homeowner's account."

3. By email dated 11<sup>th</sup> July 2023, the Property Factor stated that the PFEO had been complied with.
4. By emails dated 7<sup>th</sup> and 24<sup>th</sup> August 2022, the Homeowner indicated that the PFEO had been complied with, although he had ongoing concerns about further related issues. The Tribunal indicated that it could only consider whether or not the PFEO had been complied with, however, it would be open to the Homeowner to consider making another application to the Tribunal in respect of any further failure to comply with the Act.
5. The Tribunal is satisfied that the PFEO has been complied with by the Property Factor.

### **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.**

Legal Member

11<sup>th</sup> September 2023