

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Compliance : Property Factors (Scotland) Act 2011 Section 19

Chamber Ref: HOHP/PF/16/0113

28 Brownside Drive, Glasgow, G13 4BN
("The Property")

The Parties:-

Mr. John Rae, residing at The Manse, Dorrator Road, Camelon, Falkirk, FK1 4BN

GHA Limited t/a factoring agent YourPlace, 25 Cochrane Street, Glasgow, G1 1HL
("the Factor and Respondent")

Tribunal Members:

Patricia Anne Pryce (Legal Member)
Kingsley Bruce (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal's Decision of 6 February 2017.

Decision

We are of the view that we do not require to make a property factor enforcement order in the terms originally proposed by us in our decision dated 6 February 2017 as the Respondent has fully complied with the terms of the proposed order.

Our decision is unanimous.

Reasons for Decision

In our decision we indicated that we proposed to make a property factor enforcement order ("PFEO") in the following terms:-

"Within 28 days of the date of communication to the Respondent of the property factor enforcement order, the Respondent must:-

1. Pay to the Applicant the sum of £230 in respect of the cost of the repairs which the Applicant had instructed and paid for in May 2016.
2. Pay to the Applicant the further sum of £250 in recognition of the inconvenience caused to the Applicant as a result of the Respondent's repeated failures.
3. Provide documentary evidence to the tribunal of the Respondent's compliance with the above Property Factor Enforcement Order by sending such evidence to the office of the First-tier Tribunal (Housing and Property Chamber) by recorded delivery post."

We indicated that, prior to making a property factor enforcement order, we would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

Our decision was intimated to the parties on 15 February 2017.

On 28 February 2017, the tribunal received from the Respondent copy letters dated 14 and 28 February 2017 which the Respondent had sent to the Applicant enclosing cheques in the sum of £230 and £250 respectively.

The tribunal has taken account of the said documentary evidence provided by the Respondent. The Applicant has made no further representations to the tribunal. The tribunal unanimously agrees that the Respondent has complied with the proposed order. The tribunal certifies that the Respondent has complied with the proposed order and therefore does not require to issue a PFEO.

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.

P Pryce

Legal Member

23 March 2017 Date