

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland Housing and Property Chamber In an Application under section 17 of the Property Factors (Scotland) Act 2011

By

James McLaughlin, 38 Brandon House, The Furlongs, Hamilton ML3 0DJ
("the Applicant")

W.M Cumming Turner and Watt, 40 Carlton Place, Glasgow G5 9TS
("the Respondent")

Chamber Ref: FTS/HPC/PF/17/0303

Re: 38 Brandon House, The Furlongs, Hamilton ML3 0DJ
("the Property")

Committee Members:

John McHugh, Chairman
Elizabeth Dickson (Ordinary (Housing) Member).

Decision

The Committee hereby determines that the Property Factor Enforcement Order has been complied with.

The decision is unanimous.

Reasons for Decision

The Committee issued a Property Factor Enforcement Order on 9 February 2018 ("the PFEO") as follows:

"Within 90 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

1 Bring its revised complaints procedure to the attention of all of its customers to whom it applies.

2 Confirm in writing to the office of the Tribunal that step 1 above has been carried out."

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

On 18 May 2018, the Respondent confirmed that it had carried complied with the requirements of the PFEO. There have been no representations by the Applicant.

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

APPEALS

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.

J McHugh

Signed

Date 1 July 2018.....

JOHN M MCHUGH

Chairman