

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

Chamber Ref: FTS/HPC/LM/18/0605

Re: Inverbreakie Drive, Invergordon, IV18 0HZ ("the Development")

The Parties

Ms Sandra Kennedy, 84 Inverbreakie Drive, Invergordon, IV18 0HZ ("the Homeowner")

Highland Residential, 94-104 High Street, Invergordon, IV18 0DL ("the Factor")

Tribunal Members

Ms Helen Forbes

Mr Mike Scott

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order ("PFOE") relating to the Property dated 13th October 2018 has been complied with hereby certifies that the Factor has complied with the PFOE.

Reasons for Decision

1. Following an application by the Homeowner and a Hearing on 22nd August 2018, the Tribunal determined that the Factor had failed to comply with the Section 14 duty in the Property Factors (Scotland) Act 2011 ("the Act") in respect of compliance with the Property Factor Code of Conduct ("the Code"). The Tribunal made a PFOE on 13th October 2018 in the following terms:

'The Factor is required, within 21 days of intimation of the PFOE, to pay the sum of £150 from their own funds and at no cost to the development homeowners, in order to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor's failure to comply with the Property Factor Code of Conduct.'

2. The Factor responded to correspondence from the Housing and Property Chamber on 26th November 2018, stating that the PFOE had been complied with. On 18th December 2018, the Housing and Property Chamber contacted

the Homeowner by telephone. The Homeowner confirmed that payment had been made by the Factor and that the PFEO had been complied with.

3. Accordingly, the Tribunal is satisfied that the PFEO has been complied with by the Factor. No further action is required by the Factor in terms of the PFEO which is now deemed to be completed.

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.

Helen Forbes

Legal Member

11th January 2019