

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/PF/20/0627

48 Patriothall, Edinburgh EH3 5AY ("the House")

The Parties:-

Miss Caroline Brown, 48 Patriothall, Edinburgh EH3 5AY ("the Homeowner")

James Gibb Property Management Ltd., 4 Atholl Place, Edinburgh, EH3 8HF ("the Property Factor")

Tribunal Members

Ms Helen Forbes (Legal Member)

Mr Colin Hepburn (Ordinary Member)

Decision of the Tribunal

The Tribunal certifies that the Factor has complied with the Property Factor Enforcement Order ("PFEQ") dated 24th December 2020 relating to the Property.

Reasons for Decision

1. Following an application by the Homeowner and a Hearing on 29th September 2020, 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 PFEQ dated 24th December 2020 in the following terms:

"The Property Factor is required to pay to the Homeowner within 21 days of intimation to them of the PFEQ the sum of £800 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor's failure to comply with the Code of Conduct for Property Factors."

2. By emails dated 26th November 2020 and 5th January 2021, the Factor indicated that payment had been made to the Homeowner.
3. By email dated 5th January 2021, the Homeowner confirmed that payment had been made by the Factor.
4. Having considered the representations from the parties, 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.

Legal Member
7th January 2021