

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”)**

**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”) issued under the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2016 (“the regulations”)**

**Chamber Ref:** FTS/HPC/PF/19/0987

**Property:** Flat 28, The Fairways, 823 Clarkston Road, Glasgow, G44 3UZ (“**the property**”)

### **The Parties:-**

Mrs Kathleen Stalker, Flat 28, The Fairways, 823 Clarkston Road, Glasgow, G44 3UZ (“**the homeowner**”) represented by Moira Stalker

McCarthy and Stone Management Services, 4<sup>th</sup> Floor, 100 Holdenhurst Road, Bournemouth, BH8 8AQ (“**the property factor**”)

### **The Tribunal members:**

Simone Sweeney (legal chairing member) and Elizabeth Dickson (ordinary housing member)

**Certificate of Compliance** with Property Factor Enforcement Order (“PFEО”) as varied dated, 18<sup>th</sup> September 2019 in terms of section 19(3) of the Act.

1. The PFEO, as varied, of 18<sup>th</sup> September 2019 required that:

*“Within 28 days of the communication of the PFEO to the property factor, the property factor must:*

- (i) Issue to the homeowner a written apology for its failures and for the actions and inactions of Carol Elliott which gave rise to the original complaint and for which Carol Elliott has already provided an oral apology.*
- (ii) Facilitate and meet the cost of mediation for parties to attempt to improve relations going forward.*
- (iii) Pay to the homeowner compensation in the sum of £150.”*

2. Reference is made to the decision of the tribunal of 11<sup>th</sup> November 2019.
3. The tribunal determines that the property factor has complied with the terms of the PFEO as varied of 18<sup>th</sup> September 2019.

Simone Sweeney, Legal Chairing Member, 11th November 2019