



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

Certificate of Compliance with the Property Factor Enforcement Order (“PFEO”) dated 15 February 2022.

Chamber Ref: FTS/HPC/PF/21/1295

17K Blairmore Road, Greenock, PA15 3JT (“the Property”)

Parties:

Mrs Jenny Buckley, 17K Blairmore Road, Greenock, PA15 3JT (“the Homeowner”)

River Clyde Homes, Clyde View, 22 Pottery Street, Greenock, PA15 2UZ (“the Property Factor”)

Tribunal Members:

Mrs Josephine Bonnar (Legal Member)

Ms Carol Jones (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 15 February 2022 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 15 February 2022, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £500 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for their failure to comply with sections 2.4 and 2.5 of the Code, within 28 days of intimation of the PFEO, and

- (3) The Tribunal order the Property Factor to provide the Homeowner with full details of the consultation procedure which will be followed in connection with future repair work at the property, within 3 months of intimation of the PFEO.

The PFEO was issued to the parties.

On 9 March 2022 the Property Factor submitted a copy of a letter addressed to the Homeowner which includes an apology for their failure to comply with Sections 2.4 and 2.5 of the Code. They also submitted a copy of a cheque for £500 and a copy written statement of services ("WSS"). This is undated and appears to be in a different format from the WSS previously lodged by the parties. It includes a section on "authority to act" which provides information about consultation and the consultation procedure for non-emergency works. On 30 March 2022, the Tribunal received a letter from the Homeowner dated 27 March 2022 in which she confirms that she received the letter, cheque and WSS and that the Property Factor has complied with the order.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal and issued a letter of apology in appropriate terms, within the time specified by the Tribunal. The Property Factor has also provided the Homeowner with a WSS which appears to replace the previous WSS, although it is undated. This includes a section on consultation with homeowners in relation to repairs. The Tribunal is satisfied that the Property Factor has complied with all sections of the PFEO.

The Tribunal therefore determines that the Property Factor has now complied with the PFEO and that a certificate of compliance should be issued.

Appeals

A homeowner or property factor aggrieved by a 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.

Josephine Bonnar,
Legal Member

19 April 2022