

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 2011Act

Chamber Ref: HOHP/PF/15/0123

Re: 2/1, 139 Gatehouse Street, Sandyhills, Glasgow, G32 9BZ ('the property')

The Parties:

Mrs Isabel Marshall, Re: 2/1, 139 Gatehouse Street, Sandyhills, Glasgow, G32 9BZ ('the homeowner'), represented by Ms Deborah Carmichael, solicitor.

Your Place Property Management, Granite House, 177 Trongate, Glasgow G15HF ('the property factor')

Members of the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"): Martin McAllister, solicitor, legal member and Kingsley Bruce, surveyor, ordinary member.

Certificate of Compliance with Property Factor Enforcement Order dated 1st March 2017. This Certificate relates to Decision of the Tribunal of even date.

The Tribunal determines that the said property factor enforcement order has been complied with.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

M McAllister

Martin J. McAllister
Legal Member,
Housing and Property Chamber
First-tier Tribunal for Scotland
8th May 2017



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

Determination: Property Factors (Scotland) Act 2011 Section 19

Chamber Ref: HOHP/PF/15/0123

Re: 2/1, 139 Gatehouse Street, Sandyhills, Glasgow, G32 9BZ ('the property')

The Parties:

Mrs Isabel Marshall, Re: 2/1, 139 Gatehouse Street, Sandyhills, Glasgow, G32 9BZ ('the homeowner'), represented by Ms Deborah Carmichael, solicitor.

Your Place Property Management, Granite House, 177 Trongate, Glasgow G15HF ('the property factor')

The Tribunal Members: Martin McAllister, legal member and Kingsley Bruce, surveyor, ordinary member.

Decision by The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') under section 17 of the Property Factors (Scotland) Act 2011 (the 2011 Act).

On 1st March 2017 the Tribunal made a property factor enforcement order (PFOE) in the following terms:

The property factor is to provide an undertaking to the Tribunal that it will, in future, prior to seeking approval for any works requiring to be done to properties it factors, ensure that it takes all reasonable steps to properly ascertain the actual extent of any works which may be required and to carry out such investigative work as may be required to ensure that homeowners are not put to unnecessary expense by agreeing to work which is not required. Such undertaking is to be given within twenty eight days of the service of the property factor enforcement order.

The property factor sent a letter to the Tribunal dated 25th April 2017 in which it provided an undertaking in terms consistent with the terms of the property factor enforcement order.

The members of the Tribunal agreed that the property factor enforcement order had been complied with but noted that the property factor had not done so within the timescale stated in the order. Notwithstanding this the Tribunal determined to issue a Certificate of Compliance.

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.

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