

Housing and Property Chamber

First-tier Tribunal for Scotland



CERTIFICATE OF COMPLIANCE IN TERMS OF SECTION 23(1) OF THE PROPERTY FACTORS (SCOTLAND) ACT 2011 AND RULE 31 OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY CHAMBER (PROCEDURE) REGULATIONS 2016

Chamber Ref: FTS/HPC/PF/18/1584

Re: Property at 0/1, 65 Cherrybank Road, Merrylee, Glasgow G43 2NL (“the Property”)

Parties:

Mr Nathan Murdoch, residing at the property (“the homeowner”)

and

YourPlace Property Management Ltd, registered under the Companies Act 1985, No SC245072 and having its Registered Office at Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (“the factors”)

Tribunal Members:

David Preston (Legal Member) and Carol Jones, Surveyor (Ordinary Member).

Decision:

The Tribunal certifies that it is satisfied that the factors have complied with the Property Factor Enforcement Order relative to the Property dated 11 July 2019.

Background:

In terms of its Decision dated 11 July 2019 the tribunal issued a Property Factor Enforcement Order (PFOE) in the following terms:

Within one month from the date of service of this PFOE, the factors will pay to the homeowner from their own funds the sum of FIVE HUNDRED POUNDS (£500) as compensation to him for the inconvenience occasioned by the factors' breaches of the Code.

Reasons for decision

By emails dated 30 July and 28 August 2019 the factors advised that they had paid to the homeowner the sum of £500 as required by the PFEO. On receipt of these emails, the homeowner was emailed for confirmation that he had received payment. The homeowner failed to respond to either of these emails and the tribunal has concluded that payment has been received by him.

Appeals

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.

David Preston

13 September 2019

