

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate

**of Compliance with Property Factor Enforcement Order in terms of Section 19(3)
of the Property Factors (Scotland) Act 2011.**

Chamber Ref: FTS/HPC/PF/23/0080

Re: Property at 74 Carlisle Road, Hamilton ML3 7TX ("the Property")

Parties:

Paul & Gayle Moreland, residing sometime at 74 Carlisle Road, Hamilton ML3 7TX ("the homeowner")

Avongreen Abodes Limited, incorporated in Scotland (SC484503) and having their registered office at 70 Carlisle Road, Hamilton ML3 7TX ("the property factors")

Tribunal Members:

George Clark (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision of the Tribunal

The Tribunal determined that the property factors have complied with the terms of the Property Factor Enforcement Order made on 6 August 2024.

Reasons for Decision

Following a Decision, made on 3 July 2024, which was not appealed by either Party, the Tribunal made a Property Factor Enforcement Order ("PFEO") requiring the property factors to pay to the homeowners the sum of £100 by way of compensation for the property factors' failure to comply with Section 3.1 of the Property Factors Code of Conduct effective from 16 August 2021 and failure to comply with the Property Factor's Duties.

The PFEO was made on 6 August 2024 and sent to the Parties.

The homeowners advised the Tribunal that their preference would be for the property factors to donate the £100 to a charity nominated by them and on 11 October, they provided confirmation that the charity had received the donation.

The Tribunal decided, therefore, that the property factors have complied with the PFEO.

The Tribunal's Decision was unanimous.

Right of Appeal

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.

Signed ...

Dated: 11 October 2024

Chairperson