



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

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

Chamber Ref: FTS/HPC/PF/19/1099

Flat 9, 50 East Fettes Avenue, Edinburgh, EH4 1RE
("the Property")

The Parties:-

Ms Nora Rundell, Flat 9, 50 East Fettes Avenue, Edinburgh EH4 1RE
("the Homeowner")

James Gibb Property Management Limited, 4 Atholl Place, Edinburgh EH3 8HT
("the Factor")

Tribunal Members

Graham Harding (Legal Member)
Helen Barclay (Ordinary Member)

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order ("PFEKO") issued on 16 January 2020 therefore no further action is required.

The decision is unanimous.

Statement of Reasons

1. By decision issued on 4 September 2019, the Tribunal determined that the Factor had failed to carry out its property factor's duties.
2. The Tribunal issued a Notice of Proposed PFEKO together with the decision on 4 September 2019 and invited representations within 14 days of the Notice being received by the parties.
3. By email received on 19 September 2019 the Factor requested the Tribunal review its decision and proposed PFEKO.

4. The Tribunal considered the Factor's request for a review and by its decision dated 16 October 2018 upheld the request and amended its decision but did not amend the proposed PFEO.
5. By email dated 6 November 2019 the Factor sought permission to appeal the Tribunal's decision to the Upper Tribunal.
6. The Tribunal issued a Refusal of Permission to Appeal on 10 December 2019.
7. The Tribunal issued a PFEO on 16 January 2020
8. By letter dated 23 January 2020 the Factor advised the Tribunal that the terms of the proposed PFEO had been complied with and that a cheque had been sent to the Homeowner.
9. By Order Compliance response dated 6 February 2020 the Factor confirmed that the actions required in the PFEO had been completed and that the PFEO did not require to be varied or revoked.
10. By Order Compliance Response dated 9 February 2020 the Homeowner confirmed that the actions required in the PFEO had been completed and that the PFEO did not require to be varied or revoked.
11. The Tribunal having considered matters and being satisfied that the proposed PFEO has been complied with by the Factor has determined that no further action is required.

Right of Appeal

12. 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 within 30 days of the date the decision was sent to them.

Legal Member and Chairperson

19 February 2020