

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Certificate of Compliance with Property Factor Enforcement Order dated 17 December 2021 in terms of Section 19(3) of the Property Factors (Scotland) Act 2011.**

**Chamber Ref: FTS/HPC/PF/22/0644**

**Property: Flat 13, 173 Lower Granton Road, Edinburgh EH5 1GL (“the Property”)**

**The Parties:-**

**Mr Paul Gillam, Flat 13, 173 Lower Granton Road, Edinburgh EH5 1GL (“the homeowner”)**

**Lowther Homes Limited, registered in Scotland SC402836 and having their registered office at Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (“the property factors”)**

**Tribunal Members:**

**George Clark (Legal Member/Chairman) and Carol Jones (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 13 July 2022.

### **Reasons for Decision**

On 13 July 2022, following a Hearing on 30 May 2022, the Tribunal made a Property Factor Enforcement Order (“PFEO”) requiring the property factors to pay to the homeowner the sum of £500 by way of compensation for inconvenience and distress in respect of their failure to comply with OSP6 and their duties in terms of Sections 6.4 and 6.6 of the Code of Conduct for Property Factors, effective from 16 August 2021 made under Section 14 of the Property Factors (Scotland) Act 2011 and in respect of their failure to comply with the property factor’s duties.

On 15 July 2022, the property factors told the Tribunal that the compensation payment had been made. This was confirmed by the homeowner on 21 July 2022.

The Tribunal decided 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: 27 July 2022

Chairperson