

Housing and Property Chamber

First-tier Tribunal for Scotland



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/22/0883, FTS/HPC/PF/22/1440

**Re: Flat 4, 7 Chapel Street, Peterhead, Aberdeenshire AB42 1TH ("the
Property")**

**Parties: Mr Ian Taylor, 7 Chapelwell Drive, Balmedie, Aberdeen AB23
8HY ("the Applicant")**

**Atholls Ltd, 16 North Silver Street, Aberdeen AB10 1RL ("the
Respondent")**

Tribunal Member:

**Graham Harding (Legal Member)
Andrew Murray (Ordinary Member)**

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order ("PFEQ") issued on 10 December 2022 therefore no further action is required.

The decision is unanimous.

Statement of Reasons

1. By decision issued on 10 November 2022, the Tribunal determined that the Factor had failed to carry out its property factor's duties.
2. The Tribunal issued a Notice of Proposed PFEQ together with the decision on 10 December 2022 and invited representations within 14 days of the Notice being received by the parties.
3. No responses were received from either party and the Tribunal issued a PFEQ in the same terms as the proposed PFEQ on 10 December 2022.

4. By email received on 23 December 2022 the Respondent advised the Tribunal that the terms of the PFEO had been complied with and provided a copy of correspondence sent to the Applicant.
5. By email dated 11 January 2023 the Applicant confirmed he had received payment from the Respondent of the sum awarded by the Tribunal in terms of the PFEO.
6. The Tribunal having considered matters and being satisfied that the PFEO has been complied with by the Factor has determined that no further action is required.

Right of Appeal

7. 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.

Graham Harding
Legal Member and Chairperson

5 February 2022