

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Certificate of Compliance with the Property Factor Enforcement Order (PFEO)
dated 24 January 2018**

Chamber Ref: FTS/HPC/PF/17/0134

Flat 2/2 2 Houston Street, Renfrew, PA4 8NR (“The Property”)

The Parties: -

**A & M Lettings Ltd, 27 Dowanhill Street, Glasgow, G11 5QR
("the Homeowner")**

**Apex Property Factor Limited, 46 Eastside, Kirkintilloch, East Dunbartonshire,
G66 1QH ("the Property Factor")**

Tribunal Members:

**Josephine Bonnar (Legal Member)
Elizabeth Dickson (Ordinary Member)**

Decision

The Tribunal, having determined that the PFEO dated 24 January 2018 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 24 January 2018, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £550 as compensation for their time, effort and inconvenience within 28 days of intimation of the Property Factor Enforcement Order.

The PFEO was issued to parties on 1 February 2018. On 13 March 2018 the Homeowner notified the Tribunal that it had not received the compensation ordered in terms of the PFEO. The Tribunal contacted the Property Factor and asked it to confirm whether the payment had been made. A further email from the Homeowner was received on 6 April 2018 confirming that no payment has been received. No

response or representations were received from the Property Factor. The Tribunal noted that the time limit for complying with the PFEO had passed and proceeded to issue a decision in terms of Section 23(1) of the Property factors (Scotland) Act 2011 that the Property Factor had failed to comply with the PFEO. This decision was issued to parties on 23 April 2018.

On 25 April 2018 the Property Factor sent an email to the Tribunal stating that a cheque in settlement of the compensation had been sent to the Homeowner. A copy cheque stub and entry from an outgoing mail book were provided as evidence of this. The Property Factor indicated that the cheque had not been cashed and stated that a replacement cheque had now been issued. On 9 May 2018 the Homeowner notified the Tribunal that a cheque in settlement of the £550 compensation had now been received and cashed.

The Tribunal is therefore satisfied that the Property Factor has now complied with the PFEO, albeit late, and that a certificate of compliance should be issued.

Appeals

A homeowner or property factor aggrieved by a 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.

/Josephine Bonnar,
Legal Member

19 May 2018