

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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:** HOHP/PF/16/0125

**The Parties:-**

Miss Deborah Ryan residing at Flat 1/2, 43 Eversley Street, The Spinney Estate, Glasgow, G32 8HS ("the first homeowner")

And

FirstPort Property Services Scotland Limited, 183 St Vincent Street, Glasgow, G2 5QD ("the property factor")

And

**Chamber Ref:** HOHP/PF/16/0163

Miss Gayle Cafferty residing at Flat 2/2, 42 Eversley Street, The Spinney Estate, Glasgow, G32 8HS ("the second homeowner")

And

FirstPort Property Services Scotland Limited, 183 St Vincent Street, Glasgow, G2 5QD ("the property factor")

**The Properties:-**

Subjects at

Flat 1/2, 43 Eversley Street, The Spinney Estate, Glasgow, G32 8HS and

Flat 2/2, 42 Eversley Street, The Spinney Estate, Glasgow, G32 8HS

**Tribunal Members:**

Mr James Bauld (Legal Member)  
Ms Elaine Munroe (Ordinary Member)

**Decision of the Tribunal**

The Tribunal having determined that the Property Factor Enforcement Order (PFEO) relating to the property which was dated 7<sup>th</sup> July 2017 has been complied with hereby certifies that the Factor has complied with the PFEO.

**Reasons for Decision**

1. By decision dated 16<sup>th</sup> May 2017, the Tribunal determined that the Property Factor had failed to comply with certain duties arising from the Property Factors Code of Conduct ("the Code"). The

Tribunal subsequently issued a Property Factor Enforcement Order dated 7<sup>th</sup> July 2017 which required the Property Factor to make a payment to the Homeowner of the sum of £100.

2. Subsequent to the issue of the Order, the Tribunal received correspondence from the Property Factor confirming that a payment had been made to the Homeowner in accordance with the PFEO. The Tribunal corresponded with the Homeowners and by a response form dated 26<sup>th</sup> September 2017 they confirmed that they had received the relevant cheque in payment of the sum of £100.
3. Accordingly, the Tribunal is satisfied that the Property Factors have complied with the terms of the PFEO and have decided to issue this certificate of compliance. No further action is therefore required by the Property Factors in terms of the PFEO which may now be deemed to be completed.

### **Rights of Appeal**

4. 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 from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

J Bauld

20 December 2017