

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**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/18/1366**

**Re: Flat 3/1, 242 Wilton Street, Glasgow, G20 6BJ ("the Property")**

### **The Parties:-**

Mrs Helen York, 22A Kings Road, Longniddry, East Lothian, EH32 0NN ("the Homeowner")

James Gibb, 65 Greendyke Street, Glasgow, G1 5PX ("the Factor")

### **Tribunal Members:-**

Ms Helen Forbes (Legal Member)

Mrs Elizabeth Dickson (Ordinary Member)

### **Decision of the Tribunal**

The Tribunal having determined that the Property Factor Enforcement Order ("PFOE") relating to the Property dated 25<sup>th</sup> September 2018 has been complied with, hereby certifies that the Factor has complied with the PFOE.

### **Reasons for Decision**

1. Following an application by the Homeowner and a Hearing on 16<sup>th</sup> August 2018, the Tribunal determined that the Factor had failed to comply with the Section 14 duty in the Property Factors (Scotland) Act 2011("the Act") in respect of compliance with the Property Factor Code of Conduct ("the Code"). The Tribunal made a PFOE on 25<sup>th</sup> September 2018 in the following terms:

'The Property Factor is required to pay to the Homeowner within 21 days of intimation to them of the PFOE the sum of £1000 from their own funds and at no cost to the development homeowners, in order to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor's failure to comply with the Property Factor Code of Conduct.'

2. Payment was made by the Factor to the Homeowner on 23<sup>rd</sup> October 2018. The Homeowner has confirmed that payment has been received and the PFEO has been complied with.
3. Accordingly, the Tribunal is satisfied that the PFEO has been complied with by the Factor. No further action is required by the Factor in terms of the PFEO which is now deemed to be completed.

### **Right of Appeal**

**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.**

Helen Forbes

Legal Member

18<sup>th</sup> November 2018