

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/18/0822

Flat 2/1, 27 Napiershall Street, Glasgow, G20 6EZ ("The Property")

The Parties:-

Shawbrook Bank Limited, Lutea House, Warely Hill Business Park, The Drive, Great Warely, Brentwood, Essex, CM13 3BE ("the Homeowner")

First Port Property Services, 3rd Floor, Troon House, 199 St Vincent Street, Glasgow, G2 5QD ("the Property Factor")

Tribunal Members:-

Ms Helen Forbes (Legal Member)
Ms Helen Barclay (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order ("PFOE") relating to the Property dated 12th October 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 26th June 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 12th October 2018 in the following terms:

'The Factor is required, within four weeks of the date that the PFOE is issued, to repay to the Homeowner all sums referred to in the Notices of Potential Liability for Costs that relate to anything other than maintenance or work.'

2. Payment was made by the Factor to the Homeowner on 13th August 2018, following the decision and proposed PFEO issued by the Tribunal. The Homeowner did not agree that all sums referred to in the Notices of Potential Liability for Costs that related to anything other than maintenance or work had been repaid. Following discussion between parties' representatives, the Tribunal was notified by the representative for the Homeowner by email on 7th November 2018 that the PFEO had 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.

Legal Member

7th November 2018