

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**In an Application under section 17 of the Property Factors (Scotland) Act 2011**

**by**

**Alan Finlayson, 84/6 Chesser Crescent, Edinburgh EH14 1SE ("the Applicant")**

**Ross & Liddell, Greenbelt Group Limited, McCafferty House, 99 Firhill Road, Glasgow G20 7BE ("the Respondent")**

**Re: 84/3-6 Chesser Crescent, Edinburgh EH14 1SE ("the Property")**

**Chamber Ref: FTS/HPC/PF/19/4002**

### **Tribunal Members:**

John McHugh (Chairman) and Elaine Munroe (Ordinary (Housing) Member).

### **Decision**

**The Tribunal hereby determines that the Property Factor Enforcement Order has been complied with.**

The decision is unanimous.

## **Reasons for Decision**

The Tribunal issued the following Property Factor Enforcement Order (“PFEO”) on 9 August 2022:

*“Within 35 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:*

- 1 Review its practices regarding the provision of final accounts to homeowners to ensure that the provisions of the Code in this respect are complied with where reasonably possible.*
- 2 Confirm in writing to the office of the Tribunal that step 1 above has been carried out.”*

In terms of section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.

The Tribunal gave consideration to the extent to which the PFEO had been complied with.

On 11 August 2022, the Respondent’s representative confirmed that there had been compliance with the terms of the PFEO and made reference to its earlier response to the Proposed PFEO, which had provided a detailed account of how the Respondent had already put measures of the kind required by the PFEO into place with effect from October 2019.

The Applicant has not responded to the request for his comments as to whether the PFEO has been complied with.

In the absence of any evidence to the contrary, the Tribunal is prepared to accept the Respondent’s representation.

The Tribunal hereby finds that the PFEO has been complied with.

## **Appeals**

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.

**Signed**

**Date 26 September 2022**

**JOHN M MCHUGH**

**Chairperson**