

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 Reference: FTS/HPC/PF/21/1755

Property address: Drumlea Estate, 6 School Lane, Drumoak, AB31 5EA (“the House”)

The Parties

Mr Gerard Buda, 6 School Lane, Drumoak, AB31 5EA (“the Homeowner”)

James Gibb, Bellahouston Business Centre, 423 Paisley Road West, Glasgow, G51 1PZ (“the Property Factor”)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order (“PFEO”) relating to the Property dated 7th March 2022 has been complied with, hereby certifies that the Property Factor has complied with the PFEO.

Reasons for Decision

1. Following a Hearing on 26th January 2022, the Housing and Property Chamber issued a decision of the Tribunal dated 9th February 2022 determining that the Property Factor had failed to comply with the Section 14 duty in terms of the Property Factors (Scotland) Act 2011 (“the Act”) in respect of compliance with paragraphs 1.1b.A.b, 1.1b.C.e, 2.1, 2.5, 3.2, 7.1 and 7.2 of the Property Factor Code of Conduct (“the Code”). The Tribunal informed parties of a proposed PFEO in the following terms:

“The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £500 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor’s failure to comply with the Code of Conduct for Property Factors.”

2. Parties were allowed the opportunity to comment upon the proposed PFEO. No comments were made.

3. By email dated 10th February 2022, the Property Factor informed the Housing and Property Chamber that payment had been made to the Homeowner in terms of the proposed PFEO.
4. By email dated 1st March 2022, the Homeowner confirmed that payment had been made.
5. A PFEO was put in place on 7th March 2022 in the terms proposed.
6. The Tribunal is satisfied that the PFEO has been complied with by the Property Factor.

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 March 2022