

# **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: FTS/HPC/PF/20/2471**

**The Property: 15 Silverholm Drive, Jerviswood Park, Cleghorn, Lanark, ML11 7SY ("The Property")**

**The Parties:-**

**Malcom Campbell, residing at 15 Silverholm Drive, Jerviswood Park, Cleghorn, Lanark, ML11 7SY  
("the applicant")**

**Newton Property Management Ltd, a company incorporated under the Companies Acts and having a place of business at 87 Port Dundas Road, Glasgow, G4 0HF  
("The property factor")**

### **Committee Members**

Paul Doyle  
David Godfrey

Legal Member  
Ordinary Member

### **Decision of the Tribunal**

The Tribunal certifies that the Factor has complied with the Property Factor Enforcement Order ("PFE0") dated 17 June 2021 relating to the Property.

### **Reasons for Decision**

1. Following an application by the Homeowner and a Hearing on 23 March 2021, 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") as required by section 14(5) of the Act, and had failed in carrying out its property factor duties in terms of Section 17 of the Act. The Tribunal made a PFE0 dated 17 June 2021 in the following terms:

**Within 28 days of the date of service on the respondent of this property factor enforcement order the respondent must amend their invoice 1132550 dated 12/08/2020 by removing the two following charges**

**27/02/2020 – Pump waste disposal – 351.52**

**03/03/2020 – Sewage Block- 3 Tankers – 1,381.93**

2. By email dated 8 July 2021, the Property Factor confirmed that the PFEO had been complied with.
3. On 20 July 2021 the Homeowner was invited to comment on the property Factor's email dated 8 July 2021. At today's date, there has been no response from the Homeowner.
4. Having considered the representations from the parties, 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

12 August 2021