

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**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/21/0188**

**19 Wilderhaugh Court, Galashiels, TD1 1QL  
("the Property")**

### **The Parties:-**

**Mr John Mitchell and Mrs Doreen Mitchell, 30 Hillside Terrace, Selkirk  
TD7 4ND  
("the Homeowners")**

**James Gibb Property Management Ltd, Bellahouston Business Centre,  
423 Paisley Road West, Glasgow G51 1PZ  
("the Factor")**

### **Tribunal Members:**

**Graham Harding (Legal Member)  
Mike Scott (Ordinary Member)**

### **Decision**

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order ("PFEO") issued on 7 July 2021 therefore no further action is required.

The decision is unanimous.

### **Statement of Reasons**

By decision issued on 7 July 2021, the Tribunal determined that the Factor had failed to carry out its property factor's duties and failed to comply with its duties under section 14(5) of the 2011 Act in that it did not comply with sections 2.5 and 6.1 of the Code.

1. The Tribunal issued a Notice of Proposed PFEO together with the decision on 7 July 2021 and invited representations within 14 days of the Notice being received by the parties.

2. No representations were received and the Tribunal issued a PFEO on 14 October 2021.
3. As a result of an administrative error the decision and proposed PFEO were not received by the Factor until 26 October 2021.
4. Subsequently in correspondence the Factor queried the Tribunal's rationale for making an award of £1200.00 to be paid by the Factor to the Homeowners. In a decision dated 18 May 2022 the Tribunal reviewed its own decision and amended its decision of 7 July 2021 to provide additional clarity but did not amend the PFEO.
5. By emails dated 6 and 16 June 2022 the Homeowners confirmed to the Tribunal that the terms of the PFEO had been met in full.
6. By emails dated 1 and 22 June 2022 the Factor confirmed that the terms of the PFEO had been met in full.
7. The Tribunal having considered matters and being satisfied that the PFEO has been complied with by the Factor has determined that no further action is required.

### **Right of Appeal**

8. 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 within 30 days of the date the decision was sent to them.

Graham Harding  
Legal Member and Chairperson

27 June 2022