

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/21/0020
FTS/HPC/PF/21/0042
FTS/HPC/PF/21/0043
FTS/HPC/PF/21/0044
FTS/HPC/PF/21/0045
FTS/HPC/PF/21/0047

The Property: 3 & 4 Claremont Terrace, Glasgow, G3 7XR (“The Property”)

The Parties:-

Keiron Paterson, residing at Flat 1, 4 Claremont Terrace, Glasgow, G3 7XR

William White, residing at Flat 1, 3 Claremont Terrace, Glasgow, G3 7XR

Usman Kushi, residing at Flat 2, 4 Claremont Terrace, Glasgow, G3 7XR

Claire Nicholas, residing at Flat 3, 4 Claremont Terrace, Glasgow, G3 7XR

Gerry Heggarty residing at Flat 2, 3 Claremont Terrace, Glasgow, G3 7XR

and Pearse Flynn residing at Flat 3, 3 Claremont Terrace, Glasgow, G3 7XR (“the applicant”)

Redpath Bruce Property Management Ltd, a company incorporated under the Companies Acts and having their registered office at 152 West Regent Street, Glasgow, G2 2RQ (“The property factor”)

Committee Members

Paul Doyle	Legal Member
Sara Hesp	Ordinary Member

Decision of the Tribunal

The Tribunal certifies that the Factor has complied with the Property Factor Enforcement Order (“PFEO”) dated 26 July 2021 relating to the Property.

Reasons for Decision

1. Following an application by the Homeowner and a Hearing on 19 May 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.

2. On 26 July 2021 the First-tier Tribunal for Scotland (Housing and Property Chamber) made the following property factor enforcement order (PFEO)

Within 28 days of the date of service on the respondent of this property factor enforcement order the respondent must pay each applicant £250.00 representing compensation for breaching the code of conduct and failing in the property factors duties.

3. On 14 June 2021 the Property Factor wrote to each of the applicants offering an apology and enclosing a payment of £250.00. On the same day, the Property Factor sent copies of their letters and cheques to the Tribunal. The Tribunal was unaware of the property factor’s correspondence dated 14 June 2021.

4. On 15 October 2021 the Tribunal reviewed their decision and withdrew the PFEO dated 26 July 2021 because it had been made in error. Tribunal members acted in the mistaken belief that no comments had been made in response to the proposal to make a PFEO, and no action had been taken.

5. Having considered the representations from the parties, the Tribunal is satisfied that the PFEO had been complied with by the Factor before it was issued. 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

1 November 2021