

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal")

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 ("the Act") issued under the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2016 ("the regulations")

Chamber Ref: FTS/HPC/PF/17/0530

Property at Flat 3, 3 Fairyknowe Court, Bothwell, South Lanarkshire, G71 8SZ ("the Property")

The Parties: -

Dr Brian Lynas and Dr Annette Ferri, Flat 3, 3 Fairyknowe Court, Bothwell, South Lanarkshire, G71 8SZ, represented by James Carmichael, solicitor, James M. Carmichael and co, solicitors ("the homeowners")

James Gibb Property Management Ltd, trading as James Gibb Residential Factors, 65 Greendyke Street, Glasgow, G1 5PX ("the property factor")

Tribunal Members: -

Simone Sweeney (Legal Member) Carolyn Hirst (Ordinary Member)

Certificate of Compliance with Property Factor Enforcement Order ("PFEQ") dated, 23rd July 2018 in terms of section 19(3) of the Act.

1. The PFEQ of 23rd July 2018 required that:

"Within 28 days of the communication of the PFEO to the factor, the factor must:

(i)Pay compensation to the Homeowners in the sum of £500 (Five hundred pounds) in respect of the time, distress and inconvenience occasioned by the factor's failure to comply with their duty under the Code."

2. Reference is made to the decision of the tribunal of 4th February 2019.
3. The tribunal determines that the property factor has complied with the terms of the PFEO of 23rd July 2018.

S Sweeney

/Simone Sweeney, Legal Chairing Member, 4th February 2019