

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: HOHP/PF/16/0130

The Parties:-

Mrs Gillian Munro residing at Flat 1/1, 24A Inchinnan Court, Paisley, PA3 2RA ("the Homeowner")

And

Apex Property Factor Limited, having a place of business at 46 Eastside, Kirkintilloch, East Dunbartonshire, G66 1QH ("the Property Factor")

The Property:-

Subjects at Flat 1/1, 24A Inchinnan Court, Paisley, PA3 2RA

Tribunal Members

Mr James Bauld (Legal Member)

Mr Mike Links, Surveyor (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order (PFO) relating to the property which was dated 28th November 2017 has been complied with hereby certifies that the Factor has complied with the PFO.

Reasons for Decision

1. Following an application by the homeowner and after a hearing which took place on 23 March 2017, the Tribunal determined that the Property Factor had failed to comply with certain duties arising from the Property Factors Code of Conduct ("The Code"). The Tribunal issued a Property Factor Enforcement Order which was subsequently varied by a variation dated 28th November 2017 which required the Property Factor to make a payment to the Homeowner of the sum of £2,241.19.
2. Subsequent to the issue of the Order as varied, the Tribunal received a letter from the Property Factor confirming that they had made payment to the Homeowner and enclosing a copy of the cheque, which they had sent her. Said letter and cheque were dated 8th January 2018..
3. The Tribunal have also received correspondence from the Homeowner confirming that she received this cheque on 15th January 2018.
4. Accordingly, the Tribunal is satisfied that the Property Factors have complied with the terms of the PFO and have decided to issue this certificate of compliance. No further action is therefore required by the Property Factors in terms of the PFO as varied which may now be deemed to be completed.

Rights of Appeal

4. 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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

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James Bauld, Chairperson

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2 February 2018
Date

7 West George Street,
Glasgow,
G2 1BA