

# 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/21/1412**

**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 Homeowner”)**

**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	Legal Member
David Godfrey	Ordinary Member

### **Decision of the Tribunal**

The Tribunal certifies that the Factor has complied with the Proposed Property Factor Enforcement Order (“PFEO”) dated 8 October 2021 relating to the Property.

### **Reasons for Decision**

1. Following an application by the Homeowner and a Hearing on 6 September 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. The Tribunal notified parties of an intention to make a PFEO on 13 September 2021. After considering representations from the Homeowner, the tribunal intimated an intention to make an amended PFEO in the following terms on 8 October 2021.

*"Within 28 days of the date of service on the property factor of this property factor enforcement order the property factor must pay the applicant £150 in addition to the sum of £742.95 already paid by the property factor to the applicant representing the revised award of solatium for the distress and inconvenience caused to the applicant."*

3. By email dated 27 October 2021, the Homeowner confirmed that the proposed PFEO had been complied with.

4. Having considered the representations from the parties, the Tribunal is satisfied that the proposed PFEO has been complied with by the property factor. No further action is required by the property factor in terms of the proposed 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