

# 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/17/0236

**Property:**

**The Parties:-**

Mr Vikas Tomar, residing at 148 Westgate Apartments, 14 Western Gateway, London, E16 1BN ("the Homeowner")

and

MXM Property Solutions Limited, having a place of business at Baltic Chambers, Suite 544-549, 50 Wellington Street, Glasgow, G2 6HJ ("the Property Factor")

And

**The Property:-**

**Subjects at**

Flat 8/1, Block A, 350 Argyle Street, Glasgow, G2 8ND

**Tribunal Members:**

Mr James Bauld – Legal Member

Ms Ann MacDonald – Ordinary Member

**Decision of the Tribunal**

The Tribunal having determined that the Property Factor Enforcement Order (PFEO) relating to the property which was dated 8 February 2018 has been complied with hereby certifies that the Factor has complied with the PFEO.

**Reasons for Decision**

1. Following an application by the homeowner and after a hearing on 18 September 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 thereafter issued a Property Factor Enforcement Order dated 8 February 2018 which required the Property Factor to make a payment to the Homeowner of the sum of £400.00.
2. Subsequent to the issue of the Order, the Tribunal have received correspondence from the Property Factor confirming that a payment had been made to the Homeowner in accordance with the PFEO and enclosing an email from the Homeowner confirming receipt of said payment. Correspondence has also been received from the homeowner confirming receipt of the payment
3. Accordingly, the Tribunal is satisfied that the Property Factor has complied with the terms of the PFEO and has decided to issue this certificate of compliance. No further action is therefore

required by the Property Factor in terms of the PFEO 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.

J Bauld

James Bauld, Chairperson

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Date

*18 May 2018*