

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### CERTIFICATE OF COMPLIANCE WITH THE PROPERTY FACTOR ENFORCEMENT ORDER DATED 20 JUNE 2016 (the PFEO)

**Property:-** 16 Eastside, Flat 1/2, Kirkintilloch, Glasgow G66 1PY ("the Property")

#### **The Parties:-**

Mr. Brendan Campbell and Mrs. Margaret Campbell, 98, Loch Road, Kirkintilloch, Glasgow G66 3EA ("the Homeowner")

Apex Property Factor Ltd., having a place of business at 46, Eastside, Kirkintilloch, Glasgow G66 1QH ("the Factor") hereinafter together referred to as "the parties"

**Chamber Ref:** HOHP/PF/15/0110

#### **Tribunal Members**

Karen Moore (Chairperson)

David Godfrey (Surveyor Member)

#### **Decision of the Tribunal**

The tribunal having determined that the PFEO dated 20 June 2016 relating to the Property had been complied with certifies that the Factor has complied with the PFEO.

#### **Background**

1. By an application dated 12 July 2015 and subsequent dates and lodged by Mr. Brendan Campbell on behalf of the Homeowner in terms of Section 17(1) of the Property Factors (Scotland) Act 2011 ("the Act"), the Homeowner applied to the Homeowner Housing Panel (now the First-tier Tribunal for Scotland Housing and Property Chamber) (firstly) for a determination of whether the Factor had failed to comply with the Property Factor Code of Conduct ("the Code") as required by section 14(5) of the Act and, in particular, had failed to comply with section 4 (Debt Recovery) at 4.6 and 4.7, Section 6 (carrying out repairs and maintenance) at 6.9 and Section 7 (Complaints resolution) at 7.1 and (secondly) for a determination of whether the Factor had failed to comply with the property factor's duties in terms of Section 17 of the Act.

2. Following a Hearing on 31 March 2016, the Homeowner Housing Committee ("now the Tribunal") determined that the Factor had failed to comply with their property factor duties in terms of Section 14(5) of the Act and had failed to comply with sections 4.6, 4.7 and 7.1 of the Code and imposed a PFEO dated 20 June 2016.
  
3. Having received email correspondence from both the Homeowner and the factor to the effect that the PFEO had been complied with having received documentary evidence from the Factor in support of compliance with the PFEO, the Tribunal being satisfied that the Factor has complied with the PFEO now issue this Certificate of Compliance. No further action is required by the Factor in terms of the PFEO.

#### **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.

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

Signed

Karen Moore, Chairperson

Date 22 May 2018