

# 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/20/1503**

**272-280 Bell Street, Glasgow, G4 0SZ, 20-26 Great Dovehill, Glasgow, G1 5DN (“the Development”)**

### **The Parties:-**

**Mrs Suzanne Caldwell, 6/1 274 Bell Street, Glasgow, G4 0SZ (“the Homeowner”)**

**Speirs Gumley Property Management, Red Tree Magenta, 270 Glasgow Road, Glasgow, G73 1UZ (“the Factor”)**

### **Tribunal Members**

Ms H Forbes (Legal Member)

Mr R Buchan (Ordinary Member)

### **Decision of the Tribunal**

The Tribunal certifies that the Factor has complied with the Property Factor Enforcement Order (“PFEO”) dated 21<sup>st</sup> January 2021 relating to the Property.

### **Reasons for Decision**

1. Following an application by the Homeowner and hearings on 1<sup>st</sup> October and 17<sup>th</sup> December 2020, the Tribunal determined that the Factor had failed to comply with the Section 17 duty in the Property Factors (Scotland) Act 2011 (“the Act”) in respect of carrying out property factor duties. The Tribunal made a PFEO dated 21<sup>st</sup> January 2021 in the following terms:

“The Factor is required to pay to the Homeowner within 21 days of intimation to them of the PFEO the sum of £150 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor’s failure to carry out its property factor duties.”

2. By email dated 25<sup>th</sup> January 2021, the Homeowner reported that payment had been made. She provided the Tribunal with a copy letter from the Factor that accompanied the cheque for payment, said letter dated 6<sup>th</sup> January 2021.
3. Having considered the representations from the Homeowner, the Tribunal is satisfied that the PFEO has been complied with by the Factor. No further action is required by the Factor in terms of the 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  
27<sup>th</sup> January 2021