

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**First-tier Tribunal for Scotland (Housing and Property Chamber)**

### **Certificate of Compliance:**

**Property Factors (Scotland) Act 2011 Section 23**

**Case Reference Number: FTS/HPC/PF/17/0353**

**Re : Property at 18 Broom Drive, North Kilbowie, Clydebank G81 3HY (“the Property”)**

**The Parties:-**

**Myra Martin, 43 Kirk Crescent, Old Kilpatrick, G60 5NJ (“the Homeowner”)**

**West Dunbartonshire Council, Regeneration, Environment & Growth, Council Offices, Garshake Road, Dumbarton G82 3PU (“the Factor”)**

**Tribunal Members:-**

**David Bartos (Legal Member and Chair)  
Ann MacDonald (Ordinary Member)**

**Decision**

The Tribunal certifies that the Property Factor Enforcement Order in respect of the Property dated 11 May 2018 has been complied with.

The decision of the Tribunal is unanimous

**Reasons**

1. On or about 15 May 2018 the Tribunal issued a Property Factor Enforcement Order ("PFOE") dated 11 May 2018. There has been no appeal against the PFOE.
2. By e-mail to the Tribunal dated 18 May 2018 the Factor enclosed a letter dated 17 May 2018 to the Homeowner indicating that the credit note required by the PFOE would be issued to her shortly.
3. By e-mail to the Tribunal dated 28 May 2018 the Factor enclosed a copy of a credit note bearing a date of issue of 21 May 2018. The credit note was for £ 1,826.32. This accorded with the value required by the PFOE. However the invoice number referred to in the credit note lacked the digit "9" at the end.
4. By e-mail issued on or about 7 June 2018 from the Tribunal the Homeowner was referred to the Factor's correspondence and invited to comment on whether she agreed or disagreed that the PFOE had been satisfactorily complied with and whether a certificate of completion should be issued. By written response dated 7 June 2018 the Homeowner indicated that she was content that the Tribunal issue a certificate of compliance with the PFOE.
5. By e-mail to the Tribunal dated 8 June 2018 the Factor enclosed a copy of an internal council e-mail from Alan Young explaining that the digit "9" had been added to "tag" the original invoice but that their accounting system uses only the first eight digits of the invoice number. A printout was also enclosed confirming this. The Tribunal was satisfied that the PFOE had been complied with.
6. In all of these circumstances the Tribunal made the decision stated above.

### **Appeals**

7. **A homeowner or property factor 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.**

— David Bartos \_\_\_\_\_ Legal Member and Chairperson

— 9 July 2018 \_\_\_\_\_ Date