

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 Reference: FTS/HPC/LM/23/0727

Re: Property at Communal Area and Garage, 11/10 Valleyfield Street, Edinburgh, EH3 9LP (“the Property”)

The Parties:

Dr John Stout, 11/10 Valleyfield Street, Edinburgh, EH3 9LP (“the Homeowner”)

James Gibb Residential Factors, 4 Atholl Place, Edinburgh, EH3 8HT (“the Property Factor”)

Tribunal Members

Ms H Forbes (Legal Member) and Ms C Jones (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order (“PFEO”) relating to the Property dated 15th April 2024 has been complied with, hereby certifies that the Property Factor has complied with the PFEO.

Reasons for Decision

1. By decision dated 25th March 2024, the Tribunal determined that the Factor had failed to comply with paragraphs OSP 6, OSP 9, and 2.7 of the 2021 Property Factor Code of Conduct (“the Code”).
2. The Tribunal issued a proposed PFEO dated 25th March 2024 in the following terms, giving parties an opportunity to make representations:

“The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £500 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor’s failure to comply with the Code of Conduct for Property Factors.”

3. By email dated 26th March 2024, the Property Factor made a request for information in regard to timescales for payment. Neither party made representations under section 19(2)(b) of the Act.
4. The Tribunal issued a PFEO in the proposed terms on 15th April 2024.
5. By email dated 23rd April 2024, the Homeowner confirmed that the PFEO had been complied with.
6. The Tribunal is satisfied that the PFEO has been complied with by the Property Factor. The decision is unanimous.

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.

Helen Forbes

Legal Member

21st May 2024