

Housing and Property Chamber First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland, Housing and Property Chamber, made under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Chamber reference: FTS/HPC/PF/18/1472

The Property: 2B Netherton Court, Ayr Road, Glasgow G77 6EN ('the property')

The Parties:

Mrs Rosalind Sylvia Hallside, 2B Netherton Court, Ayr Road, Glasgow G77 6EN ("the homeowner") and

Macfie & Co Management Services Limited, incorporated in Scotland under the Companies Acts (SCO84796), having their Registered Office at 5 Cathkinview Road, Mount Florida, Glasgow G42 9EA ("the property factors")

Tribunal Members - George Clark (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The property factor has complied with the requirements of the Property Factor Enforcement Order in respect of the Property made on 20 November 2018 .

The Decision is unanimous.

Introduction

The Housing and Property Chamber of the First-tier Tribunal for Scotland ("the Tribunal"), following a hearing on 1 October 2018, made a Property Factor Enforcement Order ("the Order") in respect of the Property, dated 20 November 2018. The Order was in the following terms:

“Within 4 weeks of the communication to the property factors of the PFEO, the property factors shall undertake such training as is necessary to ensure that all personnel dealing with complaints about their service are fully conversant with and adhere to the complaints procedure set out in their written Statement of Service and will confirm to the Tribunal that this training has been carried out.”

Reasons for the Decision

On 17 December 2018, the property factors provided the Tribunal with copies of e-mails amongst their co-directors, dated 14 December 2018. In the first e-mail, one of the Directors, Mr Walker, instructed his co-directors to refamiliarise themselves with the firm's complaints procedure. The second e-mail from from one of the Directors, Mr Dickson, confirmed to Mr Walker that he had re-read and was fully conversant with the terms and timescales stipulated in the written statement of services and in the final e-mail, another Director, M/s Graham, confirmed that she understood the procedure and would ensure that diary tags were put in place to ensure that responses to complaints were sent to clients comfortably within these timescales.

In e-mails of 19 and 23 December 2018 and 11 January 2019, the homeowner stated that she was not satisfied from the e-mail exchanges amongst the Directors, and, in any event, they did not deal with the failure to comply with the property factor's duties.

The Tribunal considered carefully the representations made by both Parties. It noted the statement by the homeowner that the property factors had not addressed their failure to comply with the property factor's duties, but held that the failure to comply was reflected in the Order and that the Tribunal's role was to determine whether the property factors had complied with the requirements of the Order. The Directors had confirmed that they were fully conversant with the complaints procedure and had set out steps they intended to take to ensure they adhered to it. Accordingly, the Tribunal determined that the property factors had complied with the Order.

Chairperson Signature ^{G Clark}

Date 8 February 2019