



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

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 (“the Act”)

Chamber Ref: FTS/HPC/PF/19/3596

Re: Property at 131 Polmuir Road, Aberdeen, AB11 7SJ (“the Property”)

The Parties:

Mrs Elizabeth Doyle, 37 Polmuir Gardens, Aberdeen, AB11 7WE (“the Homeowner”)

James Gibb Residential Factors, 2 Thistle Street, Aberdeen, AB10 1XZ (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Mike Scott (Ordinary Member)

Decision

The Tribunal has determined that the Property Factor has complied in full with the terms of the Property Factor Enforcement Order dated 9th March 2022 (“the PFEO”) therefore no further action is required. The decision is unanimous.

Statement of Reasons

1. By its decision of 29th December 2021, the Tribunal determined that the Property Factor had failed to carry out its property factor duties in terms of section 17(1) of the *Property Factors (Scotland) Act 2011* (“the 2011 Act”) and failed to comply with Section 2.5, 3.1, 3.2, 3.3, 3.4, 4.6 and 4.7 of the Code of Conduct for Property Factors as required by Section 14(5) of the 2011 Act.

2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 29th December 2021 and invited representations within 14 days of the Notice being received by the parties.

3. Neither the Homeowner nor the Property Factor made representations under section 19(2)(b) of the Act. The Tribunal accordingly made the PFEO.

4. By e-mail dated 9th March 2022, the Homeowner agreed that the actions required in the PFEO had been completed.

5. The Tribunal having considered matters and being satisfied that the PFEO has been complied with by the Property Factor has determined that no further action is required.

Right of Appeal

In terms of Section 46 of the Tribunal (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

Date: 22 March 2022



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Chamber Ref: FTS/HPC/PF/19/3599

Re: Property at 109 Polmuir Road, Aberdeen, AB11 7SJ (“the Property”)

The Parties:

Mr James Thomson, 4 Carolines Crescent, Ellon, AB41 8BN (“the Homeowner”)

James Gibb Residential Factors, 2 Thistle Street, Aberdeen, AB10 1XZ (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Mike Scott (Ordinary Member)

Decision

The Tribunal has determined that the Property Factor has complied in full with the terms of the Property Factor Enforcement Order dated 9th March 2022 (“the PFEO”) therefore no further action is required. The decision is unanimous.

Statement of Reasons

1. By its decision of 29th December 2021, the Tribunal determined that the Property Factor had failed to carry out its property factor duties in terms of section 17(1) of the *Property Factors (Scotland) Act 2011* (“the 2011 Act”) and failed to comply with Section 2.5, 3.1, 3.2, 3.3, 3.4, 4.6 and 4.7 of the Code of Conduct for Property Factors as required by Section 14(5) of the 2011 Act.
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3. Neither the Homeowner nor the Property Factor made representations under section 19(2)(b) of the Act. The Tribunal accordingly made the PFEO.
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Chamber Ref: FTS/HPC/PF/19/3609

Re: Property at 103 Polmuir Road, Aberdeen, AB11 7SJ (“the Property”)

The Parties:

Miss Claire Forsyth, 103 Polmuir Road, Aberdeen, AB11 7SJ (“the Homeowner”)

James Gibb Residential Factors, 2 Thistle Street, Aberdeen, AB10 1XZ (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Mike Scott (Ordinary Member)

Decision

The Tribunal has determined that the Property Factor has complied in full with the terms of the Property Factor Enforcement Order dated 9th March 2022 (“the PFEO”) therefore no further action is required. The decision is unanimous.

Statement of Reasons

1. By its decision of 29th December 2021, the Tribunal determined that the Property Factor had failed to carry out its property factor duties in terms of section 17(1) of the *Property Factors (Scotland) Act 2011* (“the 2011 Act”) and failed to comply with Section 2.5, 3.1, 3.2, 3.3, 3.4, 4.6 and 4.7 of the Code of Conduct for Property Factors as required by Section 14(5) of the 2011 Act.
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Chamber Ref: FTS/HPC/PF/19/3620

Re: Property at 115 Polmuir Road, Aberdeen, AB11 7SJ (“the Property”)

The Parties:

Mr Garry Cruickshank, 115 Polmuir Road, Aberdeen, AB11 7SJ (“the Homeowner”)

James Gibb Residential Factors, 2 Thistle Street, Aberdeen, AB10 1XZ (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Mike Scott (Ordinary Member)

Decision

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Chamber Ref: FTS/HPC/PF/19/3713

Re: Property at 129 Polmuir Road, Aberdeen, AB11 7SJ (“the Property”)

The Parties:

Mr James Brown, Mrs Margaret Brown, 129 Polmuir Road, Aberdeen, AB11 7SJ (“the Homeowner”)

James Gibb Residential Factors, 2 Thistle Street, Aberdeen, AB10 1XZ (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Mike Scott (Ordinary Member)

Decision

The Tribunal has determined that the Property Factor has complied in full with the terms of the Property Factor Enforcement Order dated 9th March 2022 (“the PFEO”) therefore no further action is required. The decision is unanimous.

Statement of Reasons

1. By its decision of 29th December 2021, the Tribunal determined that the Property Factor had failed to carry out its property factor duties in terms of section 17(1) of the *Property Factors (Scotland) Act 2011* (“the 2011 Act”) and failed to comply with Section 2.5, 3.1, 3.2, 3.3, 3.4, 4.6 and 4.7 of the Code of Conduct for Property Factors as required by Section 14(5) of the 2011 Act.

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Chamber Ref: FTS/HPC/PF/19/3739

Re: Property at 105 Polmuir Road, Aberdeen, AB11 7SJ (“the Property”)

The Parties:

Dr Fiona-Jane Brown, 105 Polmuir Road, Aberdeen, AB11 7SJ (“the Homeowner”)

James Gibb Residential Factors, 2 Thistle Street, Aberdeen, AB10 1XZ (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Mike Scott (Ordinary Member)

Decision

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