

Housing and Property Chamber

First-tier Tribunal for Scotland



CERTIFICATE OF COMPLIANCE IN TERMS OF SECTION 23(1) OF THE PROPERTY FACTORS (SCOTLAND) ACT 2011 AND RULE 31 OF THE FIRST- TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY CHAMBER (PROCEDURE) REGULATIONS 2016

Case reference: HOHP/PF/16/0107

Re: 39D ETTRICK TERRACE, JOHNSTONE PA5 0NS

The Parties:-

The homeowner – MCV Properties Ltd (“the applicant”)

The property factor – Linstone Housing Association (“the respondent”)

Committee Members

Richard Mill (Legal Member)

Colin Campbell (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order relative to the Property dated 2 March 2017 has been complied with, the Tribunal therefore certifies that the respondent has complied with the Order.

Background

Following a hearing on 20 January 2017 the Tribunal proposed and thereafter made a Property Factor Enforcement Order dated 2 March 2017 in the following terms:-

“Within 8 weeks of this Decision being issued to the parties, the respondent must:-

- 1. Cancel/credit the charge previously made to the applicant’s factoring account to the extent of £406.**
- 2. Prepare a schedule of proposed staff training to ensure that all relevant staff within their organisation are fully aware of the respondent’s obligations which arise both in terms of the Code of Conduct and their general duties as Property Factor, and to evidence said compliance by way of Certification by the respondent’s Chief Executive.**

3. **Deliver to the Applicant (and copy to the Tribunal) a full detailed technical specification of all of the external wall insulation works undertaken affecting the property, together with full technical specifications of additional work undertaken at the time of the insulation works such as guttering and re-painting works, and to supply additionally all relevant Building Warrants, Structural Engineer and Architect Reports, together with vouching in respect of all relevant Warranties."**

By way of letter dated 21 March 2017, Adele Fraser, Chief Executive of the respondent's organisation, set out in writing the respondent's compliance with the Property Factor Enforcement Order and produced a substantial amount of further vouching by way of documentary evidence.

Reasons for Decision

The respondent confirmed that the charge of £406 on the applicant's account had been credited. Item 1 of the Property Factor Enforcement Order has been complied with.

Confirmation was received that a schedule of all training for all staff required by the Property Factor Enforcement Order had been arranged. This is to be undertaken through the respondent's solicitors, Messrs HBJ Gateley, who have also provided training for the Chartered Institute of Housing in Scotland. A breakdown of the training package was set out in detail. The training will be held in April 2017. The Tribunal in the circumstances is satisfied that item 2 of the Property Factor Enforcement Order has been complied with.

In implementation of item 3 of the Property Factor Enforcement Order a number of technical documents were produced, including the manufacturer's standard specification for the insulated render system, including drawings for fixing the insulation and finishing the render, a copy of the relevant Building Warrant along with the Completion Certificate, the specifications for the additional works, being painting and gutter renewal and a copy of the solid wall insulation guarantee agency warranty.

In the foregoing circumstances, the Tribunal was satisfied that all relevant components of the Property Factor Enforcement Order have now been complied with.

The Tribunal wishes to record that it was impressed by the expeditious resolution of the issues raised in the Property Factor Enforcement Order by the respondent. It was clear that much effort had gone into the necessary work required.

Correspondence has been received from the homeowner acknowledging that the Property Factor has complied fully.

Appeals

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.

R Mill

Legal Member Signature

Date 20 April 2017