

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Certificate of Compliance and Decision relating to the Property Factor Enforcement Order (“PFEO”) dated 9 June 2021 issued under the Property Factors (Scotland) Act 2011 (“the Act”)**

**Case reference: FTS/HPC/PF/21/0213**

**Re:- 2B Ferguslea Terrace, Torrance, Glasgow G64 4BU**

**The Parties:-**

**Mr Paul Martin, residing at 2B Ferguslea Terrace, Torrance, Glasgow G64 4BU (“the Applicant”)**

**and**

**Homesbook Factoring Ltd, 111 Cowgate, Kirkintilloch, Glasgow G66 1JD (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (legal member) and Mike Links (ordinary member)**

**Decision**

1. The Tribunal unanimously determined that the respondent has complied with the PFEO issued on 9 June 2021, and accordingly the Tribunal determined to issue a Certificate of Completion in confirmation that compliance had been achieved.

**Reasons for Decision**

2. Following the Tribunal’s primary decision dated 21 May 2021, a PFEO was issued on 9 June 2021 in the following terms:-
  - “1. Within 14 days of the date of service of this PFEO the respondent must pay the applicant £ 500 in respect of inconvenience caused to him and additionally return any late payment charges still due to be refunded. Remittance of such funds should be by way of bank transfer.
  2. Within 14 days of the date of service of this PFEO the respondent must prepare a schedule of proposed staff training to ensure that all relevant staff are fully aware of the respondent’s obligations in respect of the

property at flat 2B Ferguslea Terrace, Torrance, Glasgow G64 4BU and the tenement within which it is situated, and in particular:

- (i) To have detailed knowledge of the terms of the Code of Practice and to ensure that it is complied with.
- (ii) To accurately record all homeowners concerns and complaints in writing, and to record the dates when corresponding contractors are instructed including their identity and a summary of the work undertaken and when it is completed.”

Following the issue of the PFEO correspondence has been received from both parties.

In relation to element 1. of the PFEO, the respondent has produced, under cover of email dated 30 June 2021, an online banking receipt issued by Barclays Bank showing the sum transferred to the respondent.

Under cover of email dated 15 June 2021, the respondent provided significant detail of the staff training undertaken as required in implementation of the PFEO. The information provided included a clear agenda with a PowerPoint presentation. The training was delivered primarily on 7 June 2021 by the respondent’s consultant, Mr Wilson McMillan. The said training had to be conducted on a second day due to a missing member of staff. It is also proposed that there will be annual refresher training delivered.

The applicant was asked to confirm his position on the respondent’s compliance by 19 July 2021 but no further communications have been received. The Tribunal was able to fairly determine the respondent’s compliance on the other documentation available.

3. The Tribunal was satisfied on the basis of the credible and reliable documentary evidence produced by the respondent, vouching compliance with both elements of the PFEO, that full compliance had been evidenced. Accordingly the Tribunal resolved that this Certificate of Compliance should be issued.

## **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.**

Legal Member

Date: 23 July 2021