

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/18/3124

**Flat 0/2, 29 Eriboll Place, Glasgow G22 6PA
("the Property")**

The Parties:-

**Eric Hamilton, Flat 0/2, 29 Eriboll Place, Glasgow G22 6PA
("the Applicant")**

**(1) Your Place Property Management Limited, (company number SC245072) (formerly known as GHA (Management) Limited, Wheatley House, 25 Cochrane Street, Glasgow G1 1HL
("the First Respondent")**

**(2) Wheatley Homes Glasgow Limited, (Company number SP2572RS) (formerly known as The Glasgow Housing Association Limited), Wheatley House, 25 Cochrane Street, Glasgow G1 1HL
("the Second Respondent")**

Tribunal Members:

Graham Harding (Legal Member)

Mike Scott (Ordinary Member)

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order ("PFEO") issued on 14 November 2018 as varied by the Tribunal's decision of 28 October 2023 therefore no further action is required.

The decision is unanimous.

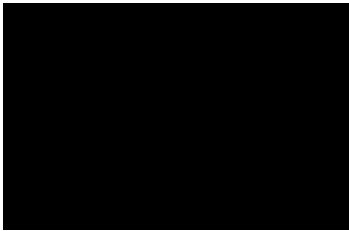
Statement of Reasons

1. By decision issued on 5 December 2022, the Tribunal determined that the Factor failed to comply with its duties under section 14(5) of the 2011 Act in that it did not comply with sections 2.1 and 2.2 of the Code.
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 5 December 2022 and invited representations within 14 days of the Notice being received by the parties.
3. By email received on 21 December 2022 the Factor requested the Tribunal review its decision and proposed PFEO.
4. The Tribunal considered the Factor's request for a review and by its decision dated 11 January 2023 partially granted the application and issued an amended PFEO.
5. By emails dated 19 January 2023 the Homeowner submitted written representations to the Tribunal complaining about the method of payment of £500.00 made to the Homeowner by the Second Respondents. The Tribunal did not uphold the Homeowners complaint.
6. By email dated 8 February 2023 the Homeowner sought permission to appeal the Tribunal's decision to issue the PFEO in the terms it did.
7. By its decision dated 24 February 2023 the Tribunal refused the Homeowners application for permission to appeal.
8. By email dated 15 June 2023 the Second Respondents representative submitted written representations and requested that part 2 of the PFEO be revoked.
9. By email dated 17 June 2023 the Homeowner submitted written representations to the Tribunal disputing the position adopted by the Second Respondents.
10. The Homeowner submitted an application to the Upper Tribunal for permission to appeal the Tribunal's decision of 5 December 2022 said application was received by the Upper Tribunal on 31 May 2023. By its decision dated 1 September 2023 the Upper Tribunal refused the Homeowners application.
11. By email dated 19 October 2023 the Homeowner sought clarification of the Tribunal's decision of 5 December 2022 and a reply was sent to the Homeowner on 23 October 2023.
12. The Tribunal considered the written representations submitted on behalf of both parties and by its decision of 26 October 2023 determined to revoke Part 2 of the PFEO.

13. The Tribunal having considered matters and being satisfied that parts 1 and 3 of the PFEO have been complied with by the Respondents has determined that no further action is required.

Right of Appeal

14. 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 within 30 days of the date the decision was sent to them.



Graham Harding
Legal Member and Chairperson

28 October 2023