

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/PF/22/4324
FTS/HPC/PF/22/4325**

Parties:

**Mr William McGibbon, Flat 10, 12 Ravelston Terrace, Edinburgh EH4 3TP
("the Applicant")**

Hacking & Paterson Residential Management Services, 103 East London Street, Edinburgh EH7 5BF ("the Respondents")

Tribunal Member:

**Graham Harding (Legal Member)
Andrew Murray (Ordinary Member)**

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order ("PFEО") issued on 19 December 2023 therefore no further action is required.

The decision is unanimous.

Statement of Reasons

1. By decision issued on 10 October 2023, the Tribunal determined that the Factor had failed to comply with its duties under Section 14(5) of the Property Factors (Scotland) Act 2011.
2. The Tribunal issued a Notice of Proposed PFEО together with the decision and invited representations within 14 days of the Notice being received by the parties.
3. By email received on 23 October 2023 the Applicant requested the Tribunal review its decision and proposed PFEО.

4. The Tribunal considered the Applicant's request for a review. The Tribunal considered the request and refused it but did correct an error in the decision and re-issue it. The Tribunal did not make any amendments to the proposed PFEO and issued a PFEO dated 19 December 2023.
5. By email dated 12 January 2024 the Respondents advised the Tribunal that the terms of the PFEO had been complied with.
6. By email dated 19 January 2024 the Applicant confirmed that he had received payment in accordance with the terms of the PFEO.
7. The Tribunal having considered matters and being satisfied that the proposed PFEO has been complied with by the Respondents has determined that no further action is required.

Right of Appeal

8. 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.

Legal Member and Chairperson

2 February 2024