

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Certificate of Compliance with Property Factor Enforcement Order dated 24 August 2022 in terms of Section 19(3) of the Property Factors (Scotland) Act 2011.**

### **The Parties:-**

**Ms Elaine Guthrie, 19 Brora Street, Glasgow G33 2BY (“the homeowner”)**

**Wheatley Homes Glasgow Limited, a Registered Society (SP2572RS), represented by their agents, Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (“the property factors”)**

### **Tribunal Members:**

**George Clark (Legal Member/Chairman) and Robert Buchan (Ordinary Member)**

### **Decision of the Tribunal**

The Tribunal determined that the property factors have complied with the terms of the Property Factor Enforcement Order made on 1 February 2024.

### **Reasons for Decision**

Following a Decision, made on 15 January 2024, which was not appealed by either Party, the Tribunal made a Property Factor Enforcement Order (“PFEO”) requiring the property factors to pay to the homeowner the sum £2,612.15 by way of compensation for the property factors’ failure to comply with Sections 2.5, 6.1 and 7 of the Property Factors Code of Practice effective 1 October 2012 and OSP6, OSP11 and Sections 2, 6.4 and 7 of the Property Factors Code of Practice effective 16 August 2021 and their failure to carry out the Property Factor’s duties.

The PFEO was made on 1 February 2024 and sent to the Parties.

On 21 February 2024, the property factors advised the Tribunal that they had complied with the PFEO by delivering a letter with a cheque to the homeowner, who had expressed to them a preference that the compensation be paid by cheque rather than bank transfer. They provided evidence that the letter and cheque for £2,612.15 had been delivered to the homeowner.

On 25 March 2024, the homeowner confirmed the Respondent had complied with the PFEO.

The Tribunal decided, therefore, that the property factors have complied with the PFEO.

The Tribunal's Decision was unanimous.

**Right of Appeal**

**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.**



Signed .....

Dated: 26 March 2024

Chairperson