

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

**Decision by the Tribunal
In an Application under section 17 of the Property Factors (Scotland) Act 2011
("the 2011 Act")**

Chamber Ref: FTS/HPC/PF/1856

The Parties:-

Ronan Brolly, 16/7 Murano Place, Leith, Edinburgh EH7 5HG ("the Applicant")

James Gibb Residential Factors, 4 Atholl Place, Edinburgh EH3 8HT ("the Respondent")

Re: 16/7 Murano Place, Leith, Edinburgh EH7 5HG ("the Property")

Tribunal Members:

John McHugh (Chairman) and Sara Hesp (Ordinary (Surveyor) Member).

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Decision

The Tribunal hereby determines that the Property Factor Enforcement Order has been complied with.

The decision is unanimous.

Reasons for Decision

The Tribunal issued a Property Factor Enforcement Order (“PFEO”) on 20 December 2019.

The PFEO provided as follows:

“Within 31 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

1 Pay to the Applicant the sum of £500.

2 Produce a programme of works for the maintenance of the building which includes regular inspections of the roof and clearing of gutters with the frequency required according to the professional advice given to the Respondent by its surveyors.

3 Confirm in writing to the office of the Tribunal that steps 1 and 2 have been carried out.”

In terms of section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.

The Tribunal gave consideration to the extent to which the PFEO had been complied with.

The Respondent has provided written confirmation to the Tribunal that the payment has been made. The Respondent has provided a programme of maintenance which the Tribunal finds acceptable. The Applicant has made no representations on the matter of compliance.

The Tribunal hereby finds that the PFEO has been complied with.

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.

Signed

Date 18 February 2020

JOHN M MCHUGH

Chairperson