

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### 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/18/0356/0357/0358/0359/0360/0362/0363/0364/0365/0366/0368/0370**

**1-14 The Beech Tree, Linlithgow, EH49 6PU  
("the Property")**

#### **The Parties:-**

**Mr Bob Gehrke, 14 The Beech Tree, Linlithgow EH49 6PU  
("the Homeowner") and Homeowners representative in respect of the remaining 11 Homeowners**

**Life Property Management Limited, Regent Court, 70 West Regent Street, Glasgow G2 2QZ  
("the Factor")**

**Tribunal Members  
Graham Harding (Legal Member)  
Andrew Taylor (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 6 February 2019 therefore no further action is required.

The decision is unanimous.

#### **Statement of Reasons**

1. By decision issued on 8 January 2019, the Tribunal determined that the Factor had failed to carry out its property factor's duties.
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 15 January 2019 and invited representations within 14 days of the Notice being received by the parties.

3. No response was received from any party within the 14 day period and the Tribunal issued a PFEO in the same terms as the proposed PFEO on 6 February 2019.
4. By email received on 19 February 2019 the Homeowners representative advised the Tribunal that he believed in the absence of any response in the negative from the other Homeowners the terms of the proposed PFEO had been complied with and provided confirmation to that effect from the Homeowner.
5. The Tribunal having considered matters and being satisfied that the PFEO has been complied with by the Factor has determined that no further action is required.

### **Right of Appeal**

6. 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.

G Harding

Legal Member and Chairperson

19 March 2019