

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Certificate of Compliance with the Property Factor Enforcement Order
("PFEO") dated 23 June 2023**

Chamber Ref: FTS/HPC/PF/22/2146

Property at 2 Whitehalls Lane East, Cove, Aberdeen, AB12 3TG ("the Property")

Parties:

Mr Manuel Suarez, 2 Whitehalls Lane East, Cove, Aberdeen, AB12 3TG ("the Homeowner")

James Gibb Residential Factors, Bellahouston Business Centre, 423 Paisley Road West, Glasgow, G51 1PZ ("the Property Factor")

Tribunal Members:

Josephine Bonnar (Legal Member)

Elaine Munroe (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 23 June 2023, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the failure to provide a response to his email of 1 August 2021 and to provide him with a full response to the enquiries contained in the said email.

All within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 5 July 2023, the Property Factor submitted a copy of a letter of apology which had been issued to the Homeowner. The letter also addressed the matters which had been raised in the Homeowner's enquiry which was the subject of the PFEO. A copy of the insurance certificate and summary of insurance cover for the relevant period was also attached. The Homeowner was given the opportunity to comment on the letter and documents but failed to do so.

The Tribunal therefore determines that the Property Factor has now complied with the PFEO and that a certificate of compliance should be issued.

Appeals

A homeowner or property factor aggrieved by a 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.

Josephine Bonnar, Legal Member

7 August 2023