

Housing and Property Chamber First-tier Tribunal for Scotland



Certificate of the First-tier Tribunal for Scotland Housing and Property Chamber under The First –tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016 following upon a Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under Section 17(1) of the 2011Act

Chamber reference: HOHP/PF/16/0046

Dalrymple Court, Kirkintilloch, Glasgow, G66 3AA ('the property')

The Parties:

Campsie Group Limited, 3 Briarwell Lane, Milngavie, Glasgow, G62 6BB ('the homeowner')

Homesbook Factoring Ltd, 111 Cowgate, Kirkintilloch, Glasgow, G66 1JD ('the property factor')

Members of the First–tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal"): Martin McAllister, solicitor, legal member and David Hughes Hallett, surveyor, ordinary member.

This document should be read in conjunction with the tribunal's Decision of the same date.

Certificate of Compliance with Property Factor Enforcement Order dated 15th November 2016 in terms of Section 21 of the Property Factors (Scotland) Act 2011.

The Committee, having considered the representations made by the parties, determined that the property factor enforcement order has been complied with.

A homeowner or property factor aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Martin McAllister

Martin J. McAllister
Legal Member,
Housing and Property Chamber
First-tier Tribunal for Scotland
27th December 2016

Housing and Property Chamber First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland Housing and Property Chamber under The First –tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016 in an application under Section 17(1) of the Property Factors (Scotland) Act 2011.

Chamber reference: HOHP/PF/16/0046

Dalrymple Court, Kirkintilloch, Glasgow, G66 3AA ('the property')

The Parties:

Campsie Group Limited, 3 Briarwell Lane, Milngavie, Glasgow, G62 6BB ('the homeowner')

Homesbook Factoring Ltd, 111 Cowgate, Kirkintilloch, Glasgow, G66 1JD ('the property factor')

Members of the First–tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal"): Martin McAllister, solicitor, legal member and David Hughes Hallett, surveyor, ordinary member.

Decision of the tribunal:

The Committee, having considered the representations made by the parties, determined that the property factor enforcement order has been complied with. The Decision was unanimous.

Reasons:

1. The homeowner housing panel made a property factor enforcement order (PFEO) on 15th November 2016. The tribunal assumed the functions of the homeowner housing panel on 1st December 2016.
2. The property factor enforcement order was in the following terms:

Within twenty eight days of service of the property factor enforcement order the property factor is to provide the following undertaking to the homeowner housing panel in relation to its factoring of the development at Dalrymple Court:

- (i) *To comply with the Code of Conduct for Property Factors in responding promptly to any future requests or complaints from homeowners;*
 - (ii) *To provide homeowners with details of the proposed insurance cover and renewal details prior to renewal;*
 - (iii) *To comply with Section 3.3 of the Code of Conduct for Property Factors;*
 - (iv) *To ensure that, in future, any documentation sent to commercial tenants in the Development is also sent to the respective owners of the commercial units.*
3. The property factor wrote to the tribunal on 2nd December 2016 and its letter addressed all items in the PFEO. The tribunal was satisfied that the letter contained the undertaking required in terms of the PFEO. The tribunal also noted the terms of an email from the homeowner in which it was stated that the homeowner was satisfied.

The tribunal, having considered the representations made by the parties, determined that the property factor enforcement order has been complied with.

A homeowner or property factor aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Martin McAllister

Martin J. McAllister
Legal Member,
Housing and Property Chamber
First-tier Tribunal for Scotland
27th December 2016