

Housing and Property Chamber

First-tier Tribunal for Scotland



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 Reference: FTS/HPC/PF/22/0721 & FTS/HPC/PF/22/1317

Property address: 54 Eden Court, Cupar, Fife, KY15 5US (“the Property”)

The Parties

Mrs Margaret Smith, 54 Eden Court, Cupar, Fife, KY15 5US (“the Homeowner)

First Port Property Services, 199 St Vincent Street, Glasgow, G2 5QD (“the Property Factor”)

Tribunal Members

Ms H Forbes (Legal Member)

Mrs E Dickson (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order (“PFEO”) relating to the Property dated 27th October 2022 has been complied with, hereby certifies that the Property Factor has complied with the PFEO.

Reasons for Decision

1. By decision dated 12th September 2022, the Tribunal determined that the Factor had failed to comply with the Section 14 duty in terms of the Act in respect of compliance with paragraph 2.1 of the 2012 Property Factor Code of Conduct and paragraphs OSP2, OSP4, 2.7 and 7.2 of the 2021 Property Factor Code of Conduct as required by section 14(5) of the Property Factors (Scotland) Act 2011 (“the Act”).
2. As required by the Act, the Tribunal issued a PFEO after giving parties an opportunity to make representations on the terms of a proposed PFEO. The PFEO was in the following terms:

“The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £400 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience

caused as a result of the Property Factor's failure to comply with the Codes of Conduct for Property Factors."

3. By email dated 13th December 2022, the Property Factor indicated that the PFEO had been complied with.
4. By email dated 19th December 2022, the Homeowner's representative confirmed that the PFEO had been complied with.
5. The Tribunal is satisfied that the PFEO has been complied with by the Property Factor.

Right of Appeal

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.

Legal Member

21st December 2022