

Housing and Property Chamber First-tier Tribunal for Scotland



CERTIFICATE OF COMPLIANCE WITH PROPERTY FACTOR ENFORCEMENT ORDER (“PFEO”)

Reference number: FTS/HPC/PF/19/1171, 1136, 1153, 1175 and 1257 (“the Applications”)

Re: Flatted Properties at Flats 1, 5, 6, 3 and 4, 212, Bath Street, Glasgow, G2 4HW (“the Properties”)

The Parties:

Stephen Tyler, Gianluca Raucci, Catherine Sutherland, Darren McDaid and Elijah Nazarzadeh, all residing at the Properties (“the Applicants”), Stephen Tyler and Gianluca Raucci being “the Lead Applicants” and

James Gibb Property Management Limited having a place of business at 65, Greendyke Street, Glasgow, G1 5PX (“the Respondents”)

Tribunal Members

Karen Moore (Legal Member)

Mary Lyden (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order (PFEO) dated 23 October 2019 relating to the Property had been complied with certifies that the Respondents have complied with the PFEO.

Background

1. By applications received by the First-tier Tribunal for Scotland (Housing and Property Chamber) between 11 April 2019 and 29 May 2019 (“the Applications”) the Applicants each applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination that the Respondents had failed to comply with Section 4 of the Code.

2. Following a Hearing and an adjourned Hearing, the Tribunal found the Respondents had failed to comply with Section 14 of the Act in respect of compliance with Section 4 of the Property Factor Code of Conduct (“the Code”). The Tribunal imposed a PFEO dated 23 October 2019.
3. Having received email correspondence from both the Mr. Raucci, one of the Lead Applicants and the Respondents to the effect that the said PFEO had been complied with and the Tribunal being so satisfied, the Tribunal now issue this Certificate of Compliance. No further action is required by the Respondents in terms of the said PFEO.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined

Signed

Karen Moore, Chairperson

Date 20 January 2020