

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) issued under section 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Procedure Regulations 2017.

CERTIFICATE OF COMPLIANCE with the PROPERTY FACTOR ENFORCEMENT ORDER DATED 21st September 2018 ('The PFEO')

Chamber Ref:FTS/HPC/PF/18/0571

Flat 3, 1 Matthew Street, Edinburgh, EH16 4GZ ('the Property')

The Parties:

Mrs Hayley Smith, 40 Erkdale Terrace, Bonnyrigg, EH19 2BL ('the Homeowner')

Places For People Scotland, 1 Hay Avenue, Edinburgh, EH16 4RW ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Elaine Munroe (Member).

Decision of the Tribunal

The Tribunal having determined that the PFEO dated 21st September 2018 ('PFEO') relating to the Property has been complied with, certifies that the Factor has complied with the PFEO.

Reasons for the Decision

1. The Tribunal issued the PFEO in the following terms:

'Places for People Scotland are directed to pay the Homeowner £500 as compensation from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to them of the Property Factor Enforcement Order. Places for People Scotland are directed to provide the Tribunal with evidence that the said sums have been paid within seven days of the payment being remitted to the Homeowner'

2. The Homeowner sent the Tribunal Administration an email dated 11th November 2018 which stated that she did not accept the terms of the PFEO and was looking at other options from the small claims court.

3. The Tribunal did not receive an application for leave to appeal the Tribunal's Decision or a review request from the Homeowner.

4. The Factor confirmed to the Tribunal Administration by email dated 3rd December 2018 that they sent the Homeowner a cheque in payment of the sums due under the PFEO on 23rd November 2018.

5. The Factor forwarded an email they had received from the Homeowner dated 8th January 2019 which stated:

‘I have already told you that I don’t accept the amount agreed which is why I have not cashed the cheque and it has been destroyed.’

6. The Tribunal were satisfied that the Factor has complied with the PFEO as they had sent the Homeowner a cheque in settlement of the sums due under the PFEO and this had been confirmed by the Homeowner, even although the Homeowner chose to destroy the cheque. The Tribunal therefore issues this Certificate of Compliance. No further action is required by the Factor in terms of the 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.

Signed.....
Chairperson

.....Date 11th March 2019