

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 Ref: FTS/HPC/LM/17/0245

Re: Development at Caldermains Estate, Cleland, Motherwell ("the Property")

The Parties:-

Mr Kieran McKay, residing at 20 Baxter Brae, Cleland, Motherwell, ML1 5FG ("the Homeowner")

Life Property Management, Regent Court, 70 West Regent Street, Glasgow, G2 2Q7 ("the Factor")

Tribunal Members

Helen Forbes (Legal Member)

Helen Barclay (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order ("PFEO") relating to the Property and dated 5th January 2018 has been complied with hereby certifies that the Factor has complied with the PFEO.

Reasons for Decision

1. Following an application by the Homeowner and a Hearing on 12th October 2017, the Tribunal determined that the Factor had failed to comply with the Section 14 duty in the Property Factors (Scotland) Act 2011 ("the Act") in respect of compliance with Sections 1.1a Ce and 2.5 of the Property Factor Code of Conduct ("the Code"). The Tribunal issued a PFEO dated 5th January 2018 which required the Factor to do the following:

"Within six weeks of the date of the communication of this correspondence to the Respondent, the Respondent must:

1. Pay to the Applicant the sum of £100.

2. Draft and provide to each homeowner and the First-tier Tribunal a written statement of services taking cognisance of the requirements of the Code.
 3. Confirm in writing to the office of the Tribunal that the above steps have been carried out."
2. The Tribunal has received correspondence from the Homeowner confirming that the sum of £100 was credited to his account. The Tribunal has received correspondence from the Factor confirming that all three required matters have been dealt with. A copy of the amended written statement of services was provided to the Tribunal.
 3. Accordingly, the Tribunal is satisfied that the PFEO has been complied with by the Factor. No further action is required by the Factor in terms of the PFEO which is now deemed to be completed.

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.

H Forbes

Legal Member and Chairperson

2nd March 2018