

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

Compliance Decision:

Property Factors (Scotland) Act 2011, Section 19

Chamber Ref: FTS/HPC/PF/17/0207

**Property at 62 Brora Street, Glasgow, G33 2DB
("The Property")**

The Parties: -

Miss Debbie Archibald, residing at the Property ("the Homeowner")

GHA (Management) Limited, t/a Your Place Property Management, Granite House, 177 Trongate, Glasgow, G1 5HF ("the Factor")

Tribunal Members: -

Maurice O'Carroll (Legal Member)
Ahsan Khan (Ordinary Member)

Decision of the Chamber

The First-tier Tribunal (Housing and Property Chamber) ("the Tribunal") unanimously determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order ("PFEO") issued on 29 December 2017 and therefore no further action on the part of the Factor is required.

Background

1. By decision dated 7 November 2017, the Tribunal found that the Factor had breached its duty to comply with the Code of Conduct for Property Factors in respect that it failed to adhere to the terms of sections 2.5, 4.1, 4.9, 6.1 and 7.1 thereof as required by section 14(5) of that Act. As further required by section 19(2) of the Act, the Tribunal issued a Notice of a Proposed PFEO. It did so on the same date as the said decision and invited representations thereon within 14 days of the Notice being received by the parties. It issued a final version of the Property Factor Enforcement Notice on 29 December 2017, no dispute as to the terms of the proposed PFEO having been made by either party.
2. The PFEO so issued required the Factor to carry out the following within 28 days of the Notice:
 - (i) Pay compensation to the Homeowner in the sum of £500 (Five hundred pounds) in respect of the distress, worry, inconvenience and time

occasioned by the Factor's failure to comply with its duties under the Code.

- (ii) Reimburse the management fees (under deduction of the common buildings insurance premium) paid by the Homeowner to the Factor during the period from 1 January to 31 May 2017 in recognition of its failure to comply with its duties under the Code during that period.
 - (iii) Amend its Written Statement of Services in relation to its complaints procedures to (a) reflect the timescales within which complaints will be dealt with, by reference to whether they are at Stage 1 or at Stage 2 of the complaints procedure; (b) provide that where further time is required to respond, the homeowner will be so informed upon receipt of the complaint; and (c) provide that where a complaint is to be escalated to a Stage 2 complaint at the instance of the Factor, the homeowner will be so informed.
 - (iv) Provide documentary evidence of compliance with the above Orders to the Tribunal within 7 days of having done so.
3. By further correspondence from Factor dated 7 December 2017 and 12 January 2018, the Factor produced evidence demonstrating payment of the sums detailed in requirements (i) and (ii) to the Homeowner. It also provided evidence of the necessary changes to its Written Statement of Services in conformity within requirement (iii) having been made. No contrary representations were received from the Homeowner.

Decision

4. The Tribunal therefore finds that the terms of the PFEO have been complied with. Accordingly, no further action on the part of the Factor is required.

Appeals

5. **A homeowner or property factor 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: M O'Carroll
Chairman

Date 16 January 2018