

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Decision of the First-tier Tribunal for Scotland, Housing and Property Chamber, made under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016**

**Chamber reference: HOHP/PF/16/0161**

**The Property:** Flat G/03, 19 Brachelston Street, Greenock PA16 9AE ('the property')

**The Parties:**

Richard Bozzelli, 32 Arden Street, Greenock PA15 3AB ('the homeowner') and

Morison Walker Property Management Limited, incorporated under the Companies Acts in Scotland (SC142763) and having a place of business at 23 St Patrick Street, Greenock PA16 8NB ('the property factors')

**Tribunal Members** – George Clark (Legal Member) and David Hughes Hallett (Ordinary Member)

On 4 July 2017, the First-tier tribunal for Scotland, Housing and Property Chamber ('the Tribunal') made a Property Factor Enforcement Order in respect of the property. The Property Factor Enforcement Order contained the following provisions:

**Within 14 days of the communication to the property factors of the PFEO, the property factors shall pay to the homeowner the sum of £100 by way of compensation for the distress and inconvenience caused to him by the failure of the property factors to carry out the property factor's duties in terms of Section 17 of the Property Factors (Scotland) Act 2011 and to comply with Sections 1 and 4.8 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors, as required by Section 14(5) of the Act.**

The property factors, by letter dated 24 August 2017, advised the Tribunal that they had complied with the Order and attached to their letter a copy of the letter they had sent to the homeowner on 28 July 2017, enclosing a cheque for £100. The homeowner advised the Tribunal by e-mail on 1 September 2017 that he had received the cheque.

## **REASONS FOR THE DECISION**

The Tribunal, having considered the terms of the property factors' letter of 24 August 2017, and having received confirmation from the homeowner that he had received the cheque for £100, was satisfied that the property factor had complied with the terms of the Order and that a Certificate of Compliance should be issued.

## **APPEALS**

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.

G Clark

**Signed**

George Clark,  
Legal member/Chair

**Date** 22 September 2017

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**Certificate of the First-tier Tribunal for Scotland, Housing and Property Chamber, issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016**

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**Tribunal Members** – George Clark (Legal Member) and David Hughes Hallett (Ordinary Member)

The First-tier Tribunal for Scotland, Housing and Property Chamber, determined that the property factor has complied with the terms of the Property Factor Enforcement Order issued on 4 July 2017.

G Clark

Signed

Dated 22 September 2017

Legal member/Chair