

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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/PF/20/2159

**Kingsmeadows, Peebles EH45 9HR
("the Property")**

The Parties:-

**Mr Michael Marshall and Dr Catriona Mackay, The Lodge House,
Kingsmeadows, Peebles EH45 9HR
("the Homeowner")**

**James Gibb Residential Factors, 4 Atholl Place, Edinburgh EH3 8HT
("the Factor")**

**Tribunal Members:
Graham Harding (Legal Member)
Elaine Munroe (Ordinary Member)**

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order ("PFEО") dated 12 June 2021 therefore no further action is required.

The decision is unanimous.

Statement of Reasons

1. By its decision of 16 May 2021, the Tribunal determined that the Factor had breached Sections 1.1bA, B, C, D, E and F, 2.1, 2.4, 3.3 and 7.1 of the Code of Conduct for Property Factors ("the Code").
2. The Tribunal issued a Notice of Proposed PFEО together with the decision on 16 May 2021 and invited representations within 14 days of the Notice being received by the parties.

3. The Tribunal considered representations made by both parties and issued an amended PFEO on 12 June 2021.
4. By emails dated 25 June and 13 and 23 July 2021 the Factor advised the Tribunal it had made payment of the financial sum awarded to the Homeowner and prepared a revised Written Statement of services which had been circulated to the Homeowner and other owners. The Factor also advised that an AGM was being arranged to take place in August 2021.
5. By email dated 5 August 2021 the Homeowner submitted that the PFEO had not been complied with in full as further information on the budget was still required.
6. By email dated 3 September 2021 the Factor provided the Tribunal with confirmation of the date of the Development AGM together with a copy of the proposed budget for approval at the AGM.
7. The Tribunal having considered matters and being satisfied that the PFEO has been complied with by the Factor has determined that no further action is required.

Right of Appeal

8. 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 within 30 days of the date the decision was sent to them.

Graham Harding
Legal Member and Chairperson

15 September 2021