

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### CERTIFICATE OF COMPLIANCE IN TERMS OF SECTION 23(1) OF THE PROPERTY FACTORS (SCOTLAND) ACT 2011

Chamber Ref: FTS/HPC/PF/19/0970

Re : The Fairways, Flat 6, 823 Clarkston Road, Glasgow G44 3UZ ("Property")

#### The Parties:-

Geraldine Stewart, The Fairways, Flat 6, 823 Clarkston Road, Glasgow G44 3UZ  
("Homeowner")

Sonya Bader, 3 Bishops Gate, Wellknowe Avenue, Thorntonhall, Glasgow G74  
5AR ("Homeowner's Representative")

McCarthy & Stone, Retirement Lifestyles Limited, 4th Floor, 100 Holdenhurst  
Road, Bournemouth, Dorset BH8 8AQ ("Factor")

#### Tribunal Members:

Joan Devine – Chairing and Legal Member

Mary Lyden – Ordinary Member

#### Decision

In terms of its Decision dated 11 July 2019 the Tribunal issued a Property Factor  
Enforcement Order (PFEO) in the following terms:-

The Factor will pay to the Homeowner within 21 days of the date of service this order  
the sum of Two Hundred and Fifty Pounds (£250) from their own funds and at no  
cost to the homeowners within the Development at The Fairways in order to  
compensate the Homeowner for the distress caused as a result of the Factor's failure  
to comply with the Property Factors Code of Conduct.

#### Reasons for Decision

By email dated 7 August 2019 the Homeowner's Representative advised that the  
Factor had paid to the Homeowner the sum of £250 as required by the PFEO.

#### Appeals

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.

Joan Devine

Legal Member and Chair

18 August 2019 Date