

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/PF22/3996

Re: 62/4 West Bryson Road, Edinburgh EH11 1BA (“the Property”)

Parties:

Mr Ian Gemmell, 62/4 West Bryson Road, Edinburgh EH11 1BA (“the Homeowner”)

James Gibb Residential Factors, Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Factor”)

Tribunal Member:

**Graham Harding (Legal Member)
Ahsan Khan (Ordinary Member)**

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Proposed Property Factor Enforcement Order (“PFEO”) dated 13 November 2023 therefore no further action is required.

The decision is unanimous.

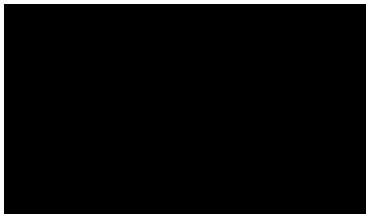
Statement of Reasons

1. By decision dated 13 November 2018, the Tribunal determined that the Factor had failed to carry out its property factor’s duties.
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 14 November 2023 and invited representations within 14 days of the Notice being received by the parties.
3. By email received on 15 November 2023 the Factor advised the Tribunal they were arranging to make payment to the Homeowner.

4. By email dated 8 December 2023 the Homeowner confirmed he had received payment from the Factor in terms of the Proposed PFEO.
5. The Tribunal having considered matters and being satisfied that the proposed PFEO has been complied with by the Factor has determined that no further action is required.

Right of Appeal

6. 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

11 January 2024