

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 AND RULE 31 OF THE FIRST- TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY CHAMBER (PROCEDURE) REGULATIONS 2016

Reference number : FTS/HPC/PF/22/1501 and FTS/HPC/PF/22/1883

Re: 2473 Dumbarton Road, 1/1 Rothesay Court, Glasgow G14 ONT (“Property”)

The Parties:

**Mark Welsh, 2473 Dumbarton Road, 1/1 Rothesay Court, Glasgow G14 ONT
 (“Homeowner”)**

**Indigo Square Property Ltd, 42 Holmlea Road, Battlefield, Glasgow G44 4AL
 (“Factor”)**

Tribunal Members:

**Joan Devine – Legal Member
 Mary Lyden – Ordinary Member**

Decision

The Tribunal having determined that the PFEO relating to the Property has been complied with certifies that the Factor has complied with the Property Factor Enforcement Order relative to the Property dated 23 November 2023.

Background

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") issued a decision dated 25 May 2023 in terms of which the Tribunal proposed to make a PFEO. The Tribunal subsequently made a PFEO dated 23 November 2023 in the following terms :

“By no later than the date falling 21 days after the date of this PFEO the Factor is to contact the current provider of the common insurance policy for the block of 6 flats at Rothesay Court, 2473 Dumbarton Road, Glasgow G14 ONT in writing and tell them that the Homeowner does not wish to continue to be covered by the common insurance policy currently in place and request that the Property be excluded from the common insurance policy. The Factor should then respond to any questions raised by said insurance provider

regarding the provision of documentation from the Homeowner evidencing the adequacy of insurance that he has in place for the Property.”

Reasons for Decision

2. By notification dated 14 January 2024 the Homeowner told the Tribunal that he did not agree that the actions required by the PFEO had been completed. The Factor sent to the Tribunal a copy of a letter from them to Affinity Brokers Ltd dated 27 November 2023 in which they said that the Homeowner wished to be removed from the common insurance policy. The Factor told the Tribunal that the Homeowner was returning mail sent to him by the factor and provided evidence of this.
3. By letter dated 4 February 2024 the Homeowner sent to the Tribunal a copy of a letter from Affinity Brokers Ltd dated 22 December 2023 in which they stated that they had been instructed by the Factor to remove the Property from the insurance policy and that this had been done.
4. At the case management discussion on 1 March 2023 the Homeowner told the Tribunal that the remedy he sought by progressing the applications was to be removed from the block insurance policy for the development of which the Property forms part. That letter from Affinity Brokers Ltd dated 22 December 2023 confirms that has been achieved.

Decision

5. The Tribunal determines that the Factor has complied with the PFEO.
6. The decision is unanimous.

Appeals

In terms of section 46 of the Tribunals (Scotland) Act 2014 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.

Legal Member
Date : 8 February 2024