

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/22/3455
FTS/HPC/PF/22/3750
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Re: 64 and 66 Montrose Avenue, Carmyle, Glasgow G32 8BY (“the Properties”)

Parties:

Miss Elizabeth Maguire, 64 Montrose Avenue, Carmyle, Glasgow G32 8BY (“the First Applicant”)

Mrs Donna Moore, 66 Montrose Avenue, Carmyle, Glasgow G32 8BY (“the Second Applicant”)

Lowther Homes, Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Mike Links (Ordinary Member)

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order (“PFEO”) issued on 14 November 2018 therefore no further action is required.

The decision is unanimous.

Statement of Reasons

1. By decision issued on 20 March 2024, the Tribunal determined that the Factor had failed to carry out its property factor’s duties and failed to comply with its duties under Section 14(5) of the Property Factors (Scotland) Act 2011..

2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 20 March 2024 and invited representations within 14 days of the Notice being received by the parties.
3. By emails received on 8 and 9 April 2024 the Applicants requested the Tribunal review its decision and proposed PFEO.
4. The Tribunal considered the Applicants request for a review and by its decision dated 1 May 2024 unanimously refused the request.
5. By email received on 2 May the Respondent advised the Tribunal that the terms of the proposed PFEO had been complied with and by emails dated 2 and 15 May the Applicants provided confirmation to that effect.
6. 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

7. 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.

Legal Member and Chairperson

10 June 2024