

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/23/2592**

**Re: Property at 3-2 193 Kent Road, Glasgow, G3 7HD (“the Property”)**

**Parties:**

**Miss Eileen Clarke, 3-2 193 Kent Road, Glasgow, G3 7HD (“the Applicant”)**

**Glasgow West Enterprises Limited, 5 Royal Crescent, Glasgow, G3 7SL (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member), Andrew McFarlane (Ordinary(Surveyor) Member)**

The Tribunal has determined that the Factor has complied in full with the terms of the Proposed Property Factor Enforcement Order (“PFEO”) issued on 13 July 2024 therefore no further action is required.

The decision is unanimous.

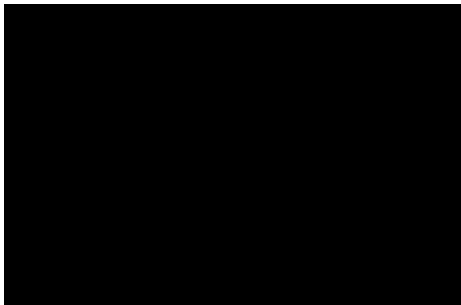
### **Statement of Reasons**

1. By decision issued on 13 July 2024, the Tribunal determined that the Factor had failed to carry out its property factor’s duties and that the Respondent had failed to comply with its duties under section 14(5) of the 2011 Act in that it did not comply with OSP 6 and Sections 2.7 and 6.4 of the 2021 Code.
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 13 July 2024 and invited representations within 14 days of the Notice being received by the parties.

3. By email received on 31 July 2024 the Respondent's representatives advised the Tribunal that the terms of the proposed PFEO had been complied with by making a bank transfer payment to the Applicant in the sum of £887.14 comprising reimbursement of 25% of the management fee for the period 1 January 2022 to 30 June 2023 plus £800 compensatory award.
4. By email dated 30 August 2024 the Applicant confirmed she had received payment of £887.14 from the Respondent.
5. The Tribunal having considered matters and being satisfied that the proposed PFEO has been complied with by the Respondent 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.



Legal Member and Chairperson

16 September 2024