

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Compliance Decision:

Property Factors (Scotland) Act 2011, Section 19

The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 as amended (“the 2017 Regulations”)

Chamber Ref: FTS/HPC/PF/19/4014

**Property at 15 Rosebank Tower, Cambuslang, South Lanarkshire G72 7HE
 (“the Property”)**

The Parties:-

**Gerald Boyd, 19 Tanzieknowe Road, Cambuslang, South Lanarkshire G72 8RD
 (“the Homeowner”)**

**South Lanarkshire Council, Property Services, Pollock Avenue, Hamilton,
 South Lanarkshire ML3 9SZ (“the Factor”)**

Tribunal Members:-

Maurice O’Carroll (Legal Member)

Elizabeth Dickson (Ordinary Member)

Decision of the Chamber

The First-tier Tribunal (Housing and Property Chamber) (“the Tribunal”) determined that the Factor has complied in full with the terms of the revised Property Factor Enforcement Order (“PFEO”) dated 13 May 2020 and therefore no further action on the part of the Factor is required.

Reasons for Decision

1. By decision dated 5 April 2020, the Tribunal determined that the Factor had breached its duties in terms of s 17(5) of the 2011 Act as detailed in the said decision.
2. As required by section 19(2) of the Act, the Tribunal issued a Notice of a Proposed PFEO. Further procedure followed with the Tribunal issuing a final Property Factor Enforcement Notice dated 13 May 2020.
3. The PFEO so issued required the Factor to carry out the following:

- (1) By no later than 31 March 2024 issue to the Homeowner or any successor as proprietor of the Property a statement of quarterly common charges with said statement including notification that the proportion of the quarterly management fee for the core services provided by the Factor ending in the quarter in question payable by the proprietor of the Property is one seventy-second of the management fee for Rosebank Tower, Cambuslang;
- (2) At the time of compliance with part (1) of this Order, the Factor shall lodge a copy of any documentation provided to the proprietor in compliance with part (1), with the Tribunal.
4. On 13 November 2024, the Factor wrote to the Tribunal confirming that it had complied with the proposed PFEO. Further to that confirmation, it provided at the same time an Activity Log detailing work carried out for Rosebank Tower in 2023/2024 and a Factoring Charge analysis showing the Finance calculations applied
5. Having reviewed the information provided by the Factor, the Tribunal was satisfied that the Factor had complied in full with the requirements of the PFEO. It therefore determined to issue the present Certificate of Compliance.

Appeals

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 from the First-tier Tribunal. That party must seek permission within 30 days of the date the decision was sent to them.

Signed: M O'Carroll
Chairman

Date: 14 November 2024