



Certificate of Compliance with Property Factor Enforcement Order in terms of Section 19(3) of the Property Factors (Scotland) Act 2011.

Chamber Ref: FTS/HPC/PF/24/0203 and FTS/HPC/PF/24/0204

Re: Property at 59/4 Grange Loan, Edinburgh EH9 2EG (“the Property”)

Parties:

Mr David Penny, residing at 59/4 Grange Loan, Edinburgh EH9 2EG (“the homeowner”)

James Gibb Residential Factors, a trading name of James Gibb Property Management Limited, incorporated in Scotland (SC299465) and having their registered office at 3rd Floor, Red Tree Magenta, 270 Glasgow Road, Rutherglen, Glasgow G73 1UZ (“the property factors”)

Tribunal Members:

George Clark (Legal Member) and Mary Lyden (Ordinary Member)

Decision of the Tribunal

The Tribunal determined that the property factors have complied with the terms of the Property Factor Enforcement Order made on 4 October 2024.

Reasons for Decision

Following a Decision, made on 19 August 2024, which was not appealed by either Party, the Tribunal made a Property Factor Enforcement Order (“PFEO”) requiring the property factors to pay to the homeowner the sum £250 by way of compensation for the property factors’ failure to comply with Section 2.1 of the Property factors Code of Practice effective 16 August 2021 and their failure to comply with the Property Factor’s Duties.

The PFEO was made on 4 October 2024 and sent to the Parties.

On 30 January 2025, the property factors provided evidence by way of a copy of a cheque for £250 that they had sent by post that day to the homeowner. They had previously advised the Tribunal on several occasions that, despite their requests, the homeowner had not provided them with his bank details, to enable them to effect an electronic transfer to him.

The Tribunal decided, therefore, that the property factors have complied with the PFE0.

The Tribunal's Decision was unanimous.

Right of Appeal

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 to appeal within 30 days of the date the decision was sent to them.

George Clark

Signed

Dated: 31 January 2025

Chairperson