

Housing and Property Chamber

First-tier Tribunal for Scotland



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/23/0271

Re: Property at Flat 0/1, 33 St Andrews Crescent, Pollokshields, Glasgow, G41 5SE (“the Property”)

Parties:

Mr Alexander Gillespie, Flat 0/1, 33 St Andrews Crescent, Pollokshields, Glasgow, G41 5SE (“the Applicant”)

Southside Factoring and Related Services Limited, Southside House, 135 Fifty Pitches Road, Glasgow, G51 4EB (“the Respondent”) Tribunal Members

Ms H Forbes (Legal Member) and Ms C Jones (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order (“PFEO”) relating to the Property dated 13th December 2024 has been complied with, hereby certifies that the Property Factor has complied with the PFEO.

Reasons for Decision

1. By decision dated 23rd October 2024, the Tribunal determined that the Property Factor had failed to comply with paragraphs 2.7, 6.1 and 6.4 of the 2021 Property Factor Code of Conduct (“the Code”).
2. The Tribunal issued a proposed PFEO dated 23rd October 2024 in the following terms, giving parties an opportunity to make representations:

“The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £800 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor’s failure to comply with the Code of Conduct for Property Factors.”

3. By email dated 27th October 2023, the Homeowner applied for review of the decision.

4. By email dated 6th November 2024, the Property Factor confirmed that they had acted upon the proposed PFEO by making payment as required.
5. By email dated 14th November 2024, the Property Factor submitted their representations in respect of the review request.
6. The Tribunal decided to review the decision.
7. By decision dated 28th November 2024, the Tribunal issued a review decision finding there was no basis on which to change its original decision.
8. The Tribunal issued a PFEO dated 13th December 2024 in the same terms as the proposed PFEO.
9. By email dated 18th December 2024, the Property Factor confirmed compliance with the PFEO.
10. By email dated 13th January 2025, the Homeowner confirmed compliance with the PFEO.
11. The Tribunal is satisfied that the PFEO has been complied with by the Property Factor. The decision is unanimous.

Right of Appeal

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

Helen Forbes

Legal Member

24th January 2025