



Certificate of Compliance in terms of section 23(1) of the Property Factors (Scotland) Act 2011.

Chamber Reference number: FTS/HPC/PF/23/2680

The Parties:

Mr David Grier and Mrs Norma Grier, 23c Greenholme Street Glasgow G44 4DU “the Homeowner”).

Ross and Liddell Ltd having a place of business at 60 St Enoch Square Glasgow G1 4AW (“the Factor”).

Property: 23c Greenholme Street Glasgow G44 4DU (“the Property”).

Legal Member: Lesley Anne Ward Ordinary Member: Jane Heppenstall

Decision

1. The Tribunal having determined that the PFEO relating to the Property has been complied with, certifies that the Factor has complied with the Property Factor Enforcement Order relative to the Property dated 3 January 2025.

Background

2. The Tribunal issued a decision on 3 January 2025 and proposed to make a Property Factor Enforcement Order (‘FPEO’) on the same date in the following terms:

Having determined by Decision dated that the Property Factor had failed to comply with the Section 14 duty in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEO”), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposes the following PFEO and invites the Parties to make representations no later than 20 January 2025.

3. On the 9 January 2025 the Factor’s solicitor confirmed that the sum of £600 had been paid to the Homeowner in compliance with the order.

4. On 13 January 2025 the Homeowner confirmed that the sum of £600 had been received. The Homeowner also stated that they planned to make additional comments in connection with the proposed PFEO.

5. On 15 January 2025 the Homeowner wrote to the Tribunal agreeing that a PFEO was appropriate but disagreeing with the content of the PFEO.

6. The Homeowner also pointed out a small factual inaccuracy contained in the written decision. The Tribunal made a finding in fact that the Homeowner advised the Tribunal that a previous PFEO (under Tribunal reference PF/21/1132) was complied with on 8 February 2023, whereas this should read 8 February 2022. The Tribunal accepts that this was an error in the decision. In terms of the time line of events, this mean that the complaint which generated this application was made one year after the certificate of compliance issued for the previous PFEO, on 17 February 2023, and not nine days later on 17 February 2022, as set out in the written decision.

Reasons

7. The Property Factor has complied with the proposed PFEO and paid the sum of £600 to the Homeowner in compensation. The Homeowner disagrees with the approach taken by the Tribunal and considers that the Tribunal should have taken a more interventionist approach in setting out steps the Property Factor should take. The written decision contains full details of the evidence heard at the hearing, the findings in fact and reasons (subject to the amendment set on in paragraph 6 above). The Homeowner referred to this in their email of 15 January 2025 as a small error. The Tribunal acknowledge this error but it is not material to the Tribunal decision. Irrespective of the time between the two complaints made by the Homeowner, the Tribunal determined that a PFEO was appropriate in this case for the reasons set out in the decision. The Tribunal are not minded to change the terms of the PFEO issued on 3 January 2025. The Tribunal are satisfied the terms of the proposed PFEO are fair proportionate and just. The proposed order has been complied with and a certificate of compliance is therefore appropriate.

Appeal Clause

Right of Appeal In terms of Section 46 of the Tribunal (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.

Lesley Anne Ward

Legal Member