

# Housing and Property Chamber First-tier Tribunal for Scotland

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**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/23/2978**

**Property address: 5 Wallfield Place, First Floor Left, Aberdeen, AB25 2JS (“the Property”)**

## **The Parties**

**Mrs Bea Hawkes, 5 Wallfield Place, First Floor Left, Aberdeen, AB25 2JS (“the Homeowner”)**

**Newton Property Management Limited, 87 Port Dundas Road, Glasgow, G4 0HF (“the Property Factor”)**

## **Tribunal Members**

**Ms H Forbes (Legal Member) and Ms S Brydon (Ordinary Member)**

## **Decision of the Tribunal**

The Tribunal having determined that the Property Factor Enforcement Order (“PFEO”) relating to the Property dated 2<sup>nd</sup> September 2024 has been complied with, hereby certifies that the Property Factor has complied with the PFEO.

## **Reasons for Decision**

1. By decision dated 1<sup>st</sup> July 2024, the Tribunal determined that the Property Factor had failed to comply with paragraphs OSP2, OSP4 and OSP6 of the 2021 Property Factor Code of Conduct (“the Code”).
2. The Tribunal issued a proposed PFEO dated 1<sup>st</sup> July 2024 in the following terms, giving parties an opportunity to make representations:

“The Property Factor is required to carry out the following within 21 days of issue of the PFEO:

- (i) Remove or correct their response to the Trustpilot review. If the Property Factor chooses to correct the response, they should

ensure that the correct timescales in relation to the matter of the lock issues and the break-in are reflected.

- (ii) Arrange a programme of training for relevant staff to ensure they carry out the services provided to homeowners using reasonable care and skill and in a timely way. If this training has already been provided, the Property Factor must lodge evidence of this.
  - (iii) Pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £250 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. Neither party made representations under section 19(2)(b) of the Act.
  4. The Property Factor made representations by emails dated 26<sup>th</sup> July and 20<sup>th</sup> August 2024 stating that they had acted upon the proposed PFEO by carrying out the required actions.
  5. On 21<sup>st</sup> August 2024, the Homeowner confirmed that payment had been made as a result of the proposed PFEO.
  6. On 3<sup>rd</sup> September 2024, a PFEO dated 2<sup>nd</sup> September 2024 was issued.
  7. 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.**



Legal Member

6<sup>th</sup> September 2024