

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 Reference: FTS/HPC/PF/22/3435

Property address: 2 Cellar Bank, Edinburgh, EH16 5GT (“the Property”)

The Parties

Mr Laurence Errington, 2 Cellar Bank, Edinburgh, EH16 5GT (“the Homeowner”)

Trinity Factoring Services Ltd., 209 Bruntsfield Place, Edinburgh, EH10 4DH (“the Property Factor”)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order (“PFEО”) relating to the Property dated 15th June 2023 has been complied with, hereby certifies that the Property Factor has complied with the PFEО.

Reasons for Decision

1. By decision dated 4th May 2023, the Tribunal determined that the Factor had failed to comply with paragraph OSP2 of the 2021 Property Factor Code of Conduct (“the Code”).
2. The Tribunal issued a proposed PFEО dated 4th May 2023 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 PFEО 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. By email dated 19th May 2023, the Property Factor stated that the proposed PFEО had been complied with.
4. The Tribunal issued a PFEО in the proposed terms on 16th June 2023.
5. By email dated 22nd June 2023, the Homeowner confirmed that the PFEО had been complied with.

6. The Tribunal is satisfied that the PFEO has been complied with by the Property Factor.

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

28th June 2023