



**First-tier Tribunal for Scotland (Housing and Property Chamber)**

**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/24/1161**

**Re: Flat 3/3 34 Thornwood Avenue, Glasgow G11 7QY (“the Property”)**

**Parties:**

**Mr John Sherry and Mrs Katharine Sherry, 136 Danes Drive, Glasgow G14 9BH  
 (“the Homeowners”)**

**James Gibb Residential Factors, Red Tree Magenta, 3<sup>rd</sup> Floor, 270 Glasgow Road, Glasgow G73 1UZ (“the Factor”)**

**Tribunal Member:**

**Graham Harding (Legal Member)  
Andrew McFarlane (Ordinary (Surveyor) Member)**

**Decision**

The Tribunal has determined that the Factor has complied in full with the terms of the Proposed Property Factor Enforcement Order (“Proposed PFEO”) issued on 20 January 2025 therefore no further action is required.

The decision is unanimous.

**Statement of Reasons**

1. By decision issued on 20 January 2025, the Tribunal determined that the Factor had failed to carry out its property factor’s duties and had failed to comply with its duties under section 14(5) of the 2011 Act in that it did not comply with sections OSP6, OSP11, and 2.7 of the 2021 Code..

2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 20 January 2025 and invited representations within 14 days of the Notice being received by the parties.
3. By email received on 24 January 2025 the Factor advised the Tribunal that the terms of the Proposed PFEO were agreed and payment had been made to the Homeowners.
4. By email dated 10 February 2025 the Homeowners confirmed they had received payment from the Factor.
5. The Tribunal having considered matters and being satisfied that the Proposed PFEO has been complied with by the Factor has determined that no further action is required.

### **Right of Appeal**

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

**Graham Harding**  
Legal Member and Chairperson  
20 February 2025