

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) issued under section 31 of the First-tier Tribunal for Scotland Housing and Property Chamber Procedure Regulations 2017.

CERTIFICATE OF COMPLIANCE with the PROPERTY FACTOR ENFORCEMENT ORDER DATED 28th April 2025 ('The PFEO')

Chamber Ref:FTS/HPC/PF/23/4632 and FTS/HPC/PF/23/4633

Flat 24, Old Courthouse, 31 High Street, Rothesay, PA20 9AS ('the Property')

Robert McGill residing at Flat 24, Old Courthouse, 31 High Street, Rothesay, PA20 9AS ('the Homeowner and Applicant')

Fyne Homes ('the Factor and Respondent')

Ms Kirstie Donnelly, TC Young, Solicitors ('The Factor and Respondent's Representative')

Tribunal members:

Jacqui Taylor (Chairperson) and Donald Wooley (Ordinary Member).

Decision of the Tribunal

The Tribunal having determined that the PFEO dated 28th April 2025 ('PFEO') relating to the Property has been complied with, certifies that the Factor has complied with the PFEO.

Reasons for the Decision

1. On 6th May 2025 the Tribunal issued the **PFEO** in the following terms:

'The Factor must pay the homeowner £150 for the inconvenience he had suffered from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to the Factor of the Property Factor Enforcement Order'

2. The Factor's solicitor sent the Tribunal an email dated 6th June 2025 in the following terms:

'I refer to the above matter in which my firm act for the Respondent. Further, I refer to the Applicant's written response dated 29 May 2025 and to the Tribunal's email below requiring the Respondent's written representations within 14 days. I note my colleague sent evidence of compliance with the PFEO on 7 May 2025 comprising a copy letter dated 4th February 2025 from the Respondent to the Applicant enclosing a cheque in the sum of £150. I am told the Respondent sent said letter and cheque by recorded delivery. However, the tracking numbers have not been correctly logged such that the Respondent is unable to confirm delivery. Given the nature of the Applicant's response, the Respondent has since issued a further letter dated 4 June 2025 to the Applicant enclosing a cheque in the sum of £150. Please find attached copy correspondence for consideration. I trust the Applicant will acknowledge safe receipt of the sums and thereafter look forward receipt of a compliance certificate in due course.'

3. On 6th June 2025 the Homeowner sent the Tribunal an email confirming that he had received a cheque from the Factor in the sum of £150.

4. The Tribunal were satisfied that the Factor has complied with the PFEO. The Tribunal therefore issues this Certificate of Compliance. No further action is required by the Factor in terms of the PFEO.

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.

Signed.....Date 23rd June 2025

Jacqui Taylor
Chairperson