

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Certificate of Compliance with the Property Factor Enforcement Order
("PFEO") dated 4 April 2024**

Chamber Refs: FTS/HPC/PF/23/0253 and 2605

15/13 Allanfield Place, Edinburgh, EH7 5AL ("the Property")

Parties:

Walter Zayachkivsky, 36 – 3 Restalrig Road, Edinburgh ("the Applicant")

James Gibb, 4 Atholl Place, Edinburgh ("the Respondent")

Tribunal Members:

Josephine Bonnar (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 24 April 2026 relating to the property has been complied with, certifies that the Respondent has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 24 April 2026, it made a PFEO in the following terms:

- (1) The Tribunal order the Respondent to pay to the Applicant the sum of £750 for his time, effort, and inconvenience.

On 28 February 2026, the Tribunal issued a written decision with statement of reasons and a proposed PFEO. The Parties lodged representations regarding the proposed PFEO. The Respondent stated that they had made payment of the sum of £750 and submitted a copy of an email from the Applicant acknowledging receipt. The Applicant's submissions also established that the payment had been received.

Section 19(3) of the Property Factor (Scotland) Act 2011 states, "If the First-tier Tribunal for Scotland is satisfied, after taking account of any representations made under subsection (2)(b), that the Property Factor has failed to carry out the property

factor's duties or, as the case may be, to comply with the section 14 duty. **The First-tier Tribunal must make a property factor enforcement order."**

Having considered the written representations lodged by the parties, the Tribunal determined that a PFEO "must" be issued in terms of Section 19(3). The Tribunal also concluded that it should be in the same terms as the proposed PFEO. However, having considered the terms of the parties' submissions, the Tribunal is satisfied that the Respondent has already paid the Applicant the sum of £750.

In the circumstances, the Tribunal is satisfied that the Respondent has complied with the PFEO and that a certificate to that effect should be issued.

The Tribunal determines that the Respondent has complied with the PFEO.

Appeals

A homeowner or property factor aggrieved by a 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.

Josephine Bonnar, Legal Member

24 April 2026