

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 Ref: FTS/HPC/PF/23/2290

Property address: 30 Westfield Avenue, Flat 48, Edinburgh, EH11 2TZ (“the Property”)

The Parties

Mr Kacper Trela, 30 Westfield Avenue, Flat 48, Edinburgh, EH11 2TZ (“the Homeowner”)

Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL (“the Property Factor”)

Tribunal Members

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

Decision

The Tribunal having determined that the Property Factor Enforcement Order (“PFEO”) relating to the Property dated 27th October 2025 has been complied with, hereby certifies that the Property Factor has complied with the PFEO.

Reasons for Decision

1. By decision dated 1st September 2025, the Tribunal determined that the Property Factor had failed to comply with the Property Factor Code of Conduct (“the Code”).
2. The Tribunal issued a proposed PFEO on 2nd September 2025 in the following terms, giving parties an opportunity to make representations:

“The Property Factor is required, within 30 days of the making of this Property Factor Enforcement Order, to make payment in the sum of £250.00 to the Homeowner as compensation for the distress, frustration and inconvenience caused as a result of its failure to comply with the Code of Conduct.”

3. By email dated 2nd September 2025, the Homeowner requested permission to appeal and submitted representations on the proposed PFEO under section 19(2)(b) of the Act.
4. By decision dated 9th September 2025, the Tribunal refused leave to appeal.
5. The Tribunal considered the representations from the Homeowner and confirmed its decision regarding the terms of the PFEO. The PFEO dated 27th October 2025 was issued in the terms of the proposed PFEO, as follows:

The Property Factor is required, within 30 days of the making of this Property Factor Enforcement Order, to make payment in the sum of £250.00 to the Homeowner as compensation for the distress, frustration and inconvenience caused as a result of its failure to comply with the Code of Conduct.

6. By email dated 11th November 2025, the Homeowner applied for a review of the decision and renewed his application for permission to appeal. The Homeowner was informed that it was not competent to renew his application for permission to appeal.
7. By email dated 14th November 2025, the Property Factor provided evidence of compliance with the PFEO.
8. By decision dated 28th November 2025, the Tribunal refused the application for a review on the grounds that the application was wholly without merit.
9. By email dated 25th March 2026, both parties were issued with a compliance checklist.
10. By email dated 25th March 2026, the Property Factor reiterated their compliance with the PFEO. No response was received from the Homeowner.
11. 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.

Helen Forbes

