

# 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/20/1445**

**29 Rattray Grove, Edinburgh, EH10 5TL (“The Property”)**

**The Parties:-**

**Mr William M Smith, 29 Rattray Grove, Edinburgh, EH10 5TL (“The Applicant”)**

**Trinity Property Factors, 209/211 Bruntsfield Place, Edinburgh, EH10 4DH (“the Respondent”)**

### **Decision of the Tribunal**

The Tribunal certifies that the Respondent has complied with the Property Factor Enforcement Order (“PFEO”), dated 4<sup>TH</sup> March 2021, relating to the Property.

### **Reasons for Decision**

1. Following an application by the Homeowner and a Hearing on 12<sup>th</sup> January 2021, the Tribunal determined that the Respondent had failed to comply with the Section 14 duty in the Property Factors (Scotland) Act 2011 (“The Act”) in respect of compliance with the Property Factor Code of Conduct (“The Code”), and had failed in carrying out its property factors duties in terms of Section 17 of the Act. The Tribunal made a PFEO dated 4<sup>th</sup> March 2021 in the following terms:

“Within 4 weeks of the date of intimation to the Respondent of this PFEO, the Respondent must:

1. Pay to the Applicant the sum of £300, such payment by way of a cheque made payable to Applicant, or bank transfer, as opposed to a credit to his factoring account.
2. Confirm in writing to the Office of the Tribunal that step one above has been carried out.”

2. By email dated 6<sup>th</sup> April 2021, the Respondent stated the actions required in the PFEO had been completed.
3. By email dated 6<sup>th</sup> April 2021, the Applicant confirmed that the PFEO had been complied with.
4. Having considered the representations from the parties, the Tribunal is satisfied that the PFEO has been complied with by the Respondent. No further action is required by the Respondent in terms of the PFEO which is now deemed to be completed.

### **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.**

**Andrew Cowan  
Legal Member**

**15th April 2021**