

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

The Property: 21 Florida Drive, Mount Florida, Glasgow, G42 9DN (“The Property”)

The Parties:-

Andrew Bussey and Laura Bussey, residing together at 21 Florida Drive, Mount Florida, Glasgow, G42 9DN (“the applicants”)

Lowther Homes Ltd, a company incorporated under the Companies Acts (SC 402836) having its Registered office at Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (“The property factor”)

Committee Members

Paul Doyle	Legal Member
David Godfrey	Ordinary Member

Decision of the Tribunal

The Tribunal certifies that the Factor has complied with the Property Factor Enforcement Order (“PFEO”) dated 7 October 2021 relating to the Property.

Reasons for Decision

1. By decision dated 20 August 2021, the First-tier Tribunal (Housing and Property Chamber) (“the Tribunal”) determined that the Property Factor had failed to comply with the Section 14 duty in terms of the Property Factors (Scotland) Act 2011 (“the Act”) by breaching sections 2.1, section 2.5, and section 6.1 of the Property Factor Code of Conduct (“the Code”) as required by section 14(5) of the Act, and that the property factor breached the property factors duties.

2. On 7 October 2021 the First-tier Tribunal for Scotland (Housing and Property Chamber) made the following property factor enforcement order (PFEO)

Within 28 days of the date of service on the respondent of this property factor enforcement order the respondent must pay the applicant £3,500.00 representing a proportion of the cost of remedial works made necessary to the interior of the homeowner's property by a prolonged period of water ingress caused by damage to the roof of the property.

3. In an email dated 15 December 2021 the Homeowner confirmed that the property factor has implemented the terms of the PFEO by making payment of £3,500.00 to the homeowner.

4. Having considered the representations from the parties, the Tribunal is satisfied that the PFEO had been complied with by the Property Factor. No further action is required by the Property Factor 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.