

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/19/1277

48/7 Hillpark Grove, Edinburgh, EH4 7AP (“the House”)

The Parties:-

Mrs Carol Wood, 48/7 Hillpark Grove, Edinburgh, EH4 7AP (“the Homeowner”)

City Point (Charles White Ltd.), 65 Haymarket Terrace, Edinburgh, EH12 5HD (“the Property Factor”)

Tribunal Members

Ms Helen Forbes (Legal Member)

Mr Robert Buchan (Ordinary Member)

Decision of the Tribunal

The Tribunal certifies that the Factor has complied with the Property Factor Enforcement Order (“PFEО”) dated 13th January 2020 relating to the Property.

Reasons for Decision

1. Following an application by the Homeowner and a Hearing on 27th November 2019, the Tribunal determined that the Factor 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”). The Tribunal made a PFEО dated 13th January 2020 in the following terms:

“The Property Factor is required to:

1. Pay to the Homeowner within 21 days of intimation to them of the PFEО the sum of £1500 from their own funds and at no cost to the development homeowners, in order to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor’s failure to comply with the Property Factors Code of Conduct; and

2. Prepare a schedule of proposed staff training to be carried out by an outside party to ensure that all staff are fully aware of the respondent's obligations:-
 - i. to have detailed knowledge of the terms of the Code of Practice and to ensure that they comply with it;
 - ii. to comply with their duties arising from the Deed of Conditions;
 - iii. to ensure adequate customer relations and to communicate effectively including effective telephone logging procedures;
 - iv. to ensure all staff are fully aware of the respondent's complaints procedure and when to implement this; including details of the provider of the training, the timescales for the provision of delivery of the training which training should be completed within eight weeks of the date of the PFEO. The Factor must provide the Housing and Property Chamber with the schedule and details of the training carried out upon completion."
2. By email dated 27th February 2020, the Factor informed the Housing and Property Chamber that payment in the sum of £1500 was made to the Homeowner on 17th January 2020, and that a training schedule had been put in place and was due to be completed on 9th March 2020.
3. By email dated 12th March 2020, the Factor provided details of the training provided on 9th March 2020. The training covered all areas required by the Tribunal in compliance with the PFEO.
4. There has been no correspondence from the Homeowner with regard to whether or not the PFEO has been complied with.
5. Having considered the representations from the Factor, and the absence of any information to the contrary from the Homeowner, the Tribunal is satisfied that the PFEO has been complied with by the Factor. No further action is required by the 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.

27th April 2020