

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 30 August 2021

Reference number: FTS/HPC/PF/20/1954

19 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

Nancy Beatt, 19 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated

that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1955

20 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

Susan Beatt, 20 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the
Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated

that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1957

22 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

Susan Duffy, 22 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated

that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference: FTS/HPC/PF/20/1958

14 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

Sheila Sharp, 14 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1959

13 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

Carolyn McGeoghegan, 13 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1960

12 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

David Fletcher, 12 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for his time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021**

Reference number: FTS/HPC/PF/20/1961

11 Mitre Court, Glasgow, G11 7AZ ("the Property")

The Parties:

Ian Buchanan, 11 Mitre Court, Broomhill, Glasgow, G11 7AZ, ("the Homeowner")

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ ("the Property Factor")**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £250 for his time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1962

10 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

James Cloughley, 10 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for his time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1964

8 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

Margaret McLean, 8 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1969

6 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

**Mary Massey, 6 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)
Reference number:**

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the
Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, "as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused." The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology "left a lot to be desired". No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal's decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021**

Reference number: FTS/HPC/PF/20/1970

5 Mitre Court, Glasgow, G11 7AZ ("the Property")

The Parties:

Jean McFarlane, 5 Mitre Court, Broomhill, Glasgow, G11 7AZ, ("the Homeowner")

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ ("the Property Factor")**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021**

Reference number: FTS/HPC/PF/20/1971

4 Mitre Court, Glasgow, G11 7AZ ("the Property")

The Parties:

Shira Kirkhope, 4 Mitre Court, Broomhill, Glasgow, G11 7AZ, ("the Homeowner")

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ ("the Property Factor")**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, "as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused." The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology "left a lot to be desired". No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal's decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021**

Reference number: FTS/HPC/PF/20/1973

2 Mitre Court, Glasgow, G11 7AZ ("the Property")

The Parties:

Barbara McGivern, 2 Mitre Court, Broomhill, Glasgow, G11 7AZ, ("the Homeowner")

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ ("the Property Factor")**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1974

1 Mitre Court, Glasgow, G11 7AZ (“the Property”)

The Parties:

Jennifer McMillen, 1 Mitre Court, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1975

7 Mitre Road, Glasgow, G11 7AZ (“the Property”)

The Parties:

Elizabeth Gordon, 7 Mitre Road, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1977

5 Mitre Road, Glasgow, G11 7AZ (“the Property”)

The Parties:

Patricia Barr, 5 Mitre Road, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated

that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1979

1 Mitre Road, Glasgow, G11 7AZ (“the Property”)

The Parties:

Kieran Burns, 1 Mitre Road, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for his time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated

that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021

Reference number: FTS/HPC/PF/20/1981

3 Mitre Road, Broomhill, Glasgow, G11 7AZ (“the Property”)

The Parties:

Alison Tait, 3 Mitre Road, Broomhill, Glasgow, G11 7AZ, (“the Homeowner”)

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ (“the
Property Factor”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated

that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021

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 30 August 2021**

Reference number: FTS/HPC/PF/20/1956

21 Mitre Court, Glasgow, G11 7AZ ("the Property")

The Parties:

Sheila Neilson, 21 Mitre Court, Broomhill, Glasgow, G11 7AZ, ("the Homeowner")

**Life Property Management (now known as James Gibb Residential Factors)
Bellahouston Business Centre, 423 Paisley Road West, Glasgow G51 1PZ ("the Property Factor")**

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 30 August 2021 relating to the property has been complied with, certifies that the Property Factor has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 30 August 2021, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for her time, effort, and inconvenience, within 28 days of intimation of the PFEO,
- (2) The Tribunal order the Property Factor to issue a letter of apology to the Homeowner for the delay in issuing the final accounts, within 28 days of intimation of the PFEO.

The PFEO was issued to parties.

On 9 September 2021, the Property Factor notified that Tribunal that it did not make economic sense to challenge the decision, although they had previously indicated that they were considering seeking a review. They stated that they would arrange compliance with the PFEO.

On 22 September 2021, Mr Parks (on behalf of all the Homeowners) notified the Tribunal that some of the Homeowners had received the letter of apology. He attached a copy of it. The letter states that, “as per the enforcement order issued by the Tribunal, we apologise any inconvenience you may have been caused.” The letter also confirmed that the compensation ordered would be paid. Mr Parks said that the Homeowners were not satisfied with the terms of the letter. He said that it was not a proper apology, that there was no recognition they had failed to complete the accounts within reasonable timescales and that they did not take any responsibility for the failure. Mr Parks asked the Tribunal to instruct the Property Factor to issue a proper apology or report them for breach of the PFEO

On 12 October 2021, Mrs Beatt (on behalf of all the Homeowners) notified the Tribunal that the Property Factor had complied with the PFEO but said that the apology “left a lot to be desired”. No further information was received from the Property Factor.

The Tribunal notes that the Property Factor has paid the compensation ordered by the Tribunal to the Homeowners. The only disputed issue is whether they have complied with Part 2 of the PFEO, to issue a letter of apology.

In written representations submitted after the decision with statement of reasons and proposed PFEO were issued, the Property Factor advised the Tribunal that they did not agree with the decision. They said that they were considering seeking a review of the decision. However, they did not do so. Instead, they submitted representations regarding the proposed PFEO. In these representations they again made it clear that they did not agree with the decision. They submitted a further email after the PFEO was issued to both parties which again indicated that they did not agree with the decision but had decided not to challenge it, for economic reasons. The Tribunal considered the letter of apology which was issued. This is a fairly brief document but does appear to comply with the PFEO, which simply instructed the Property Factor to provide the Homeowners with a letter of apology for the late accounts. The Homeowners are disappointed that the letter does not acknowledge any wrongdoing or failure on the part of the Property Factor. However, as the Property Factor has indicated that they do not accept that they failed to comply with the Code, it is perhaps understandable that the letter does not do this. Furthermore, there is nothing in the letter which in any way undermines or challenges the Tribunal’s decision on the application.

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

The Tribunal therefore determines that the Property Factor has now 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
1 November 2021