Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)
In an Application under section 17 of the Property Factors (Scotland) Act 2011

by

David Watson, 93 City Apartments, Chapel Street, Aberdeen AB10 1SS ("the Applicant")

James Gibb Property Factors, 65 Greendyke Street, Glasgow G1 5PX ("the Respondent")

Re: Property at 93 City Apartments, Chapel Street, Aberdeen AB10 1SS ("the Property")

Chamber Ref: FTS/HPC/PF/21/1287

Tribunal Member:

John McHugh (Legal Member)

Decision

The Tribunal hereby determines that the Property Factor Enforcement Order has been complied with.

Reasons for Decision

The Tribunal issued the following Property Factor Enforcement Order ("PFEO") on 25 May 2022.

"Within 35 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

1   Pay to the Applicant the sum of £300, such payment to be by way of a cheque made payable to the Applicant or bank transfer as opposed to a credit to his factoring account.

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2   Confirm in writing to the office of the Tribunal that step 1 and 2 above has been carried out."

In terms of section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.
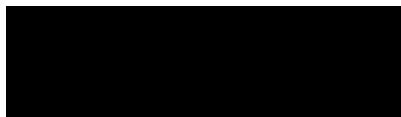
The Tribunal gave consideration to the extent to which the PFEO had been complied with.

On 30 May 2022 the Respondent had provided evidence of compliance with the PFEO (the Respondent having complied with the Proposed PFEO as it was at that time).

The Tribunal hereby finds that the PFEO has been complied with.

Appeals

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Signed ………………………………   **Date 22 August 2022**

JOHN M MCHUGH

Chairperson