

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Certificate of Compliance following upon a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under Section 17(1) of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/20/1595

**Flat 7, 137 Stockwell Street, Glasgow G1 4 LR
("the Property")**

The Parties:-

**Mr Stuart Hannah, Flat 5, 31 Great Sutton Street, London EC1V 0NA
("the Homeowner")**

**James Gibb Residential Factors, Bellahouston Business Centre, 423
Paisley Road West, Glasgow G51 1PZ
("the Factor")**

Tribunal Members:

Graham Harding (Legal Member)

Carol Jones (Ordinary Member)

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order ("PFEO") dated 18 March 2021 therefore no further action is required.

The decision is unanimous.

Statement of Reasons

1. By its decision of 5 January 2021, the Tribunal determined that the Factor had breached Sections 5.5 and 6.1 of the Code of Conduct for Property Factors ("the Code") and had failed to carry out its property factor's duties.
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 5 January 2021 and invited representations within 14 days of the Notice being received by the parties.
3. The Tribunal considered representations made by both parties and issued an amended PFEO on 18 March 2021.

4. By email dated 23 March 2021 the Factor advised the Tribunal that the repairs to the balcony at Flat 10, 137 Stockwell Street, Glasgow had been completed.
5. By email dated 26 April 2021 the Homeowner confirmed he had inspected the property and was satisfied the repairs required under the PFEO had been completed.
6. The Tribunal having considered matters and being satisfied that the PFEO has been complied with by the Factor has determined that no further action is required.

Right of Appeal

7. 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 within 30 days of the date the decision was sent to them.



Graham Harding
Legal Member and Chairperson

11 June 2021