

Housing and Property Chamber

First-tier Tribunal for Scotland



**First-
tier**

Tribunal for Scotland (Housing and Property Chamber)

Compliance Decision in terms of

Section 19 of the Property Factors (Scotland) Act 2011 (; and

The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).

Chamber Ref: FTS/HPC/PF/19/2144

**Re Property: Flat 4/2, 6 Haughview Terrace, Glasgow, G5 0LN
 (“the Property”)**

The Parties:-

Mr Andrew Armstrong and Ms Samantha Smith, residing at Flat 4/2, 6 Haughview Terrace, Glasgow, G5 0LN (“the Applicants”)

Speirs Gumley, Red Tree Magenta, 270 Glasgow Road, Rutherglen, Glasgow, G73 1UZ (“the Respondent”)

Tribunal Members:

Mr G. McWilliams (Legal Member)
Ms C. Jones (Ordinary Member)

Decision

The First-tier Tribunal (Housing and Property Chamber) (“the Tribunal”) unanimously determined that the Respondent has complied in full with the terms of the fresh Proposed Property Factor Enforcement Order (“PFE0”) issued on 5th January 2021 and therefore no further action on the part of the Respondent is required.

Reasons for Decision

1. In their Decision, dated 23rd October 2019, the Tribunal determined that the Respondent had breached its duties in terms of s 17(1)(b) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”) in that it did not comply with Section 2.5 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors (“the Code”), as required by s 14(5) of the 2011 Act, and failed to carry out its Property Factor’s duties in terms of Section 17 of that Act.

2. As required by section 19(2) of the 2011 Act, the Tribunal issued a Notice of a Proposed PFEO with the Decision, also on 23rd October 2019, requiring the Respondent to make a compensation payment to the Applicants, in the sum of £500.00. The Tribunal invited representations from the parties in respect of the Proposed PFEO. After the Respondent submitted an Application for Review of the Decision the Tribunal determined to exercise its discretion to review its Decision of 23rd October 2019 by issuing a fresh Proposed PFEO dated 5 January 2021, requiring the Respondent to make a compensation payment to the Applicants, in the sum of £350.00.
3. In their email to the Tribunal dated 18th January 2021 the Respondent stated that they would make payment of the sum of £350 to the Applicants, in terms of the fresh Proposed PFEO. After carrying out an Application check in November 2021 the Tribunal wrote to the Applicants seeking confirmation of whether or not they had received payment of that sum from the Respondent. In their email, dated 20th November 2021, the Applicants confirmed that they had been fully paid. Accordingly the Tribunal is satisfied that the fresh Proposed PFEO has been complied with in full.

Appeals

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

Signed: G McWilliams
Legal Member

Date: 30th November 2021