

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/21/1057

**8/1 Murdoch Terrace, Edinburgh EH11 1AZ
("the Property")**

The Parties:-

**Mr William Webster, Ardess, Wallace Road, Bathgate EH48 1DN
("the Homeowner")**

**Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow G1 1HL
("the Factor")**

Tribunal Members:

**Graham Harding (Legal Member)
Elaine Munroe (Ordinary Member)**

Decision

The Tribunal has determined that the Factor has complied with the terms of the proposed Property Factor Enforcement Order ("PFEO") issued on 11 October 2021 therefore no further action is required

The decision is unanimous.

Statement of Reasons

1. By decision issued on 11 October 2021 the Tribunal determined that the Factor had failed to comply with its duties under Section 14(5) of the 2011 Act in that it did not comply with Sections 2.5 and 7.2 of the Code.
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 11 October 2021 and invited representations within 14 days of the Notice being received by the parties

3. By email received on 22 November 2021 the Factor advised the Tribunal that it had complied with the terms of the proposed PFEO subject to awaiting confirmation of the Homeowner's bank details.
4. The Tribunal administration by email dated 23 November 2021 wrote to the Homeowner asking if he considered the Factor had complied with the proposed PFEO. The Tribunal administration did not receive a reply.
5. The Tribunal having considered matters and being satisfied that the proposed PFEO has been complied with by the Factor has determined that no further action is required.

Right of Appeal

6. 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.

Legal Member and Chairperson

6 January 2022