

# Housing and Property Chamber First-tier Tribunal for Scotland

---



**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”)**

**Certificate of Compliance in terms of the Property Factors (Scotland) Act 2011 (“the Act”)  
Section 23 (1)**

**The First-tier Tribunal for Scotland, Housing and Property Chamber (Rules of Procedure)  
Amendment Regulations 2017 (“the regulations”)**

**Chamber Ref: FTS/HPC/PF/19/2070**

**Re.:1/2, 21 Newton Street, Greenock, PA16 8SA (the property)**

**The Parties:-**

Mr Nicholas Paterson, TALPHA Investment Co. Ltd. 17 The Oval, Bicton, Shrewsbury, SY3 8ES (“**the homeowner**”)

Oak Tree Housing Association Ltd., 41 High Street, Greenock, PA15 1NR (“**the property factor**”) represented by Patten and Prentice solicitors, 3 Ardgowan Square, Greenock, PA16 8PP.

**The Tribunal members:** Simone Sweeney (legal chairing member) and Mary Lyden (ordinary housing member)

**Decision of the Tribunal:**

The Tribunal unanimously determined that the property factor has complied with the terms of the Property Factor Enforcement Order (“PFEO”) of 19<sup>th</sup> December 2020 and that no

further action is required by the property factor. The Tribunal determine that a certificate of compliance be issued.

## **Background**

1. Reference is made to the terms of the proposed PFEO and the accompanying statement of reasons of 13<sup>th</sup> November 2020 and PFEO and accompanying statement of reasons of 19<sup>th</sup> December 2020.
2. The PFEO provided, as follows:

*“Within 14 days from the date of issue of this order, for the property factor to:-*

- *provide to the homeowner payment of £250 by way of compensation for the time, preparation and inconvenience he has experienced in having to bring this application”*

3. By email dated 16<sup>th</sup> January 2021, the Tribunal received a copy letter from the homeowner. The letter, insofar as is relevant, provided,

*“Further to the Tribunal’s decision...I am writing to confirm to the Tribunal that Oak Tree Housing Association has complied with this PFEO and that payment of the compensation has been made.”*

4. Within the covering email of 16<sup>th</sup> January 2021, the homeowner confirmed that a copy of this letter had been intimated to the property factor.
5. Letters dated 10<sup>th</sup> February 2021 were sent to both parties inviting their responses to whether or not the property factor had complied with the PFEO.
6. Responses were received from each party on 10<sup>th</sup> February 2021 confirming that the property factor had complied with the PFEO.

## **Reasons for decision**

7. In terms of section 23 of the Act, it is for the Tribunal to determine whether the property factor has complied or failed to comply with a PFEO.

8. The Tribunal, being satisfied that the evidence before it confirms that both parties are in agreement that the terms of the PFEO have now been fulfilled by the property factor, the Tribunal determines that the property factor has complied with the terms of the PFEO and that there is no further action required by the property factor.

**Decision**

9. Having determined that the property factor has complied with the terms of the PFEO the Tribunal determine that a certificate of compliance be issued.

**Appeals**

10. **A homeowner or property factor 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**

..... (Legal chairing member)

At Glasgow on 9<sup>th</sup> March 2021