



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 (“the Act”)

Chamber Ref: FTS/HPC/PF/22/2829 & FTS/HPC/PF/22/3767

Re: Property at 48 Patriothall, Edinburgh EH3 5AY (“the Property”)

Parties:

Mrs Caroline Brown, 48 Patriothall, Edinburgh EH3 5AY (“the Homeowner”)

James Gibb Residential Factors, 4 Atholl Place, Edinburgh EH3 8HT (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Kingsley Bruce (Ordinary Member)

Decision

The Tribunal has determined that the Property Factor has complied in full with the terms of the Property Factor Enforcement Order dated 18th May 2023 (“the PFEO”) therefore no further action is required. The decision is unanimous.

Statement of Reasons

1. By its decision of 6th April 2023, the Tribunal determined that the Property Factor had failed to comply with sections 2.1, 2.5 and 6.1 of the Code of Conduct for Property Factors (effective from 1 October 2012) and as required by section 14(5) of the *Property Factors (Scotland) Act 2011*, and had failed to comply with sections 2.1, 2.7, 6.4 and 7.1 of the Code of Conduct for Property Factors (effective from 16 August 2021) and as required by section 14(5) of the *Property Factors (Scotland) Act 2011*.
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 6th April 2023 and invited representations within 14 days of the Notice being received by the parties.

3. Neither the Homeowner nor the Property Factor made representations under section 19(2)(b) of the Act. The Tribunal accordingly made the PFEO.

4. By e-mail dated 13th June 2023, the Property Factor confirmed that the actions required in the PFEO had been completed. By e-mail dated 15th July 2023, the Homeowner agreed that the actions required in the PFEO had been completed.

5. The Tribunal having considered matters and being satisfied that the PFEO has been complied with by the Property Factor has determined that no further action is required.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

07 August 2023

Legal Member

Date