

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) issued under section 31 of the First-tier Tribunal for Scotland Housing and Property Chamber Procedure Regulations 2017.

CERTIFICATE OF COMPLIANCE with the PROPERTY FACTOR ENFORCEMENT ORDER DATED 11th December 2019 ('The PFEO')

Chamber Ref:FTS/HPC/PF/19/1857

10/150, Second Avenue, Clydebank, G81 3BH; 12/150 Second Avenue, Clydebank, G81 3BH; 12/12 Green Avenue, Clydebank, G81 3AY and 2/2 John Street, Clydebank, G81 1ND ('the Properties')

The Parties:

Simon and Gail Downes, 14 Brandywell Road, Abernethy, Perth, PH2 9GY ('The Homeowner')

West Dunbartonshire Council, 6-14 Bridge Street, Dumbarton, G82 1NT ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Andrew Taylor (Ordinary Member).

Decision of the Tribunal

The Tribunal having determined that the PFEO dated 11th December 2019 ('PFEO') relating to the Property has been complied with, certifies that the Factor has complied with the PFEO.

Reasons for the Decision

1. The Tribunal issued the **PFEO** in the following terms:

First, the Factor is directed to provide the Homeowners and the Tribunal with details and evidence of the tendering process carried out for the purposes of selecting a contractor to carry out the proposed external insulated render programme in relation to the Homeowners' properties. The Tribunal acknowledges there may be some commercially sensitive information which cannot be divulged and consequently will accept anonymised details by naming the contractors A, B, C etc. The following details are required:

1. *How many contractors were invited to provide quotations for the external insulated render programme in relation to the Homeowners' Properties?*
2. *How many quotes were provided?*
3. *Advise if a price/ quality selection matrix was used and if so what were the weightings and quality criteria.*
4. *Identify the contractor the external insulated render programme was placed with.*
5. *A full breakdown of the costs of the external insulated render programme in relation to the Homeowners' Properties.*
6. *Specific details of the guarantees that the supplier will provide for the completed works and future remedial action.*
Second, The Factor is directed to pay the Homeowners £150 in respect of each of the properties totalling £600 as compensation from their own funds. The said sums to be paid within 28 days of the communication to them of the Property Factor Enforcement Order'

2. The Factor provided the Tribunal with the required information by emails dated 25th February 2020 and 20th July 2020. The Factor sent the Homeowners a cheque in the sum of £600 in February 2020.
3. The Homeowners confirmed that they were satisfied that the terms of the PFEO had been satisfied by email dated 13th October 2020.
4. The Tribunal were satisfied that the Factor has complied with the PFEO. The Tribunal therefore issues this Certificate of Compliance. No further action is required by the Factor in terms of the PFEO.

Right of Appeal

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

Signed _____
Chairperson

Date 20th October 2020