

**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 2016.**

**CERTIFICATE OF COMPLIANCE with the PROPERTY FACTOR ENFORCEMENT ORDER DATED 4<sup>th</sup> May 2017 ('The PFEO')**

**Chamber Ref:HOHP/PF/16/0108**

**2C Thrush Place, Johnstone, PA5 0RZ ('the Property')**

**The Parties:**

**Graham Toman residing at 2C Thrush Place, Johnstone, PA5 0RZ ('the Homeowner')**

**Linstone Housing Association, 17 Bridge Street, Linwood, PA3 3DB ('the Factor')**

**Committee members:**

**Jacqui Taylor (Chairperson) and Sara Hesp (Ordinary Member).**

**Decision of the Tribunal**

The Tribunal having determined that the PFEO relating to the Property has been complied with, certifies that the Factor has complied with the PFEO.

**Reasons for the Decision**

1. The Factor confirmed to the Tribunal on 2<sup>nd</sup> June 2017 that the actions required by **The PFEO** namely:

*'(a) Cancel their invoice dated 20<sup>th</sup> May 2016 (reference 50006057) and bear the VAT charge of £406 from their own funds and*

*(b) Forward a credit note in respect of the said cancelled invoice to the Homeowner and a copy to the Tribunal, within 30 days of the date hereof.'*

have been complied with.

2. The PFEO was dated 4<sup>th</sup> May 2017 and consequently the Factor had until 3<sup>rd</sup> June 2017 to comply with the PFEO.

3. The Tribunal sent a letter to the Homeowner dated 30<sup>th</sup> May 2017 asking that he confirm that the PFEO has been complied with. He replied on 4<sup>th</sup> June 2017 advising that he received a late response from the Factor on 26<sup>th</sup> April 2017 when they sent him a 'Rent Account Statement' dated 26<sup>th</sup> April 2017 showing a deduction for roughcasting contract of £406. He explained that this was incorrect as the credit was not for roughcasting and he does not pay rent therefore his account is not a Rent Account.

The Tribunal acknowledged that the PFEO was dated 4<sup>th</sup> May 2017 and the credit note had to be provided to the Homeowner before 3<sup>rd</sup> June 2017, being 30 days from the date of the PFEO. The credit note had been issued to the Homeowner on 26<sup>th</sup> April 2017 and consequently it had been issued timeously.

The Tribunal also acknowledged that the narrative on the Factor's statement dated 26<sup>th</sup> April 2017 is incorrect however they accepted that the effect was to credit the Homeowner with the sum of £406, as required by the PFEO.

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..... **J Taylor** ..... Date 28<sup>th</sup> June 2017  
Chairperson