

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/19/3413

The Parties:-

Mrs Maureen Loy, 5 Shepherds Court, Banchory AB31 5TG (“the Homeowner”)

The Property Management Company (Aberdeen) Ltd, Little Square, Old Meldrum AB51 0AY (“the Factor”)

The Tribunal:-

**Graham Harding (Legal Member)
Angus Anderson (Ordinary Member)**

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order (“PFEO”) issued on 15 October 2020 therefore no further action is required.

The decision is unanimous.

Statement of Reasons

1. By decision dated 23 September 2020, the Tribunal determined that the Factor had failed to carry out its property factor’s duties and failed to comply with Section 6.9 of the Code.
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 24 September 2020 and invited representations within 14 days of the Notice being received by the parties.
3. By email received on 28 September 2020 the Factor requested the Tribunal review the proposed PFEO.
4. By email dated 5 October 2020 the Homeowner commented on the Factor’s review request.

5. The Tribunal considered the Factor's request for a review and the Homeowner's comments and by its decision dated 15 October 2020 partly upheld the request and issued an amended PFEO.
6. By email received on 17 November 2020 the Factor advised the Tribunal that the terms of the PFEO had been complied with.
7. By email dated 17 December 2020 the Factor returned a duly completed pro forma confirming the required actions had been completed and no variation or revocation of the PFEO was sought.
8. By email dated 18 December 2020 the Homeowner confirmed the actions had been completed and no variation or revocation was sought.
9. The Tribunal having considered matters and being satisfied that the PFEO has been complied with by the Factor has determined that no further action is required.

Right of Appeal

10. 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.

Graham Harding
Legal Member and Chairperson

29 December 2020