

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Certificate of Compliance: Property Factors (Scotland) Act 2011 Section 19

Chamber Ref: HOHP/PF/16/0133

**Flat 7/4, 220 Wallace Street, Glasgow, G5 8AL
("The Property")**

The Parties:-

Mr. James Gordon (known as "Gordon") Black, residing at the Property ("the Homeowner and Applicant")

MXM Property Solutions Limited, Baltic Chambers, Suite G2, 50 Wellington Street, Glasgow, G2 6HJ ("the Factor and Respondent")

Tribunal Members:-

| | | |
|----------------------------|---|-----------------------------------|
| Patricia Anne Pryce | - | Chairing and Legal Member |
| David Godfrey | - | Ordinary Member (Surveyor) |

This document should be read in conjunction with the First-tier Tribunal's decision of 10 April 2017.

Decision

The tribunal is of the view that it does not require to make a property factor enforcement order in the terms originally proposed by it in its decision dated 10 April 2017 as the Respondent has fully complied with the terms of the proposed order.

The tribunal's decision is unanimous.

Reasons for Decision

In the tribunal's decision dated 10 April 2017, the tribunal indicated that it proposed to make a property factor enforcement order ("PFEO") in the following terms:-

"Within 28 days of the date of communication to the Respondent of the property factor enforcement order, the Respondent must:-

1. Refund to the Applicant the management fees which the Applicant has paid to the Respondent for the last thirteen-month period.
2. Provide documentary evidence to the tribunal of the Respondent's compliance with the above Property Factor Enforcement Order by sending such evidence to the office of the First-tier Tribunal (Housing and Property Chamber) by recorded delivery post."

The tribunal indicated that, prior to making a property factor enforcement order, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

The tribunal's decision was intimated to the parties on 5 May 2017.

On 30 May 2017, the tribunal received from the Respondent copy email dated 30 May 2017 which the Respondent had sent to the Applicant confirming that the Applicant's account had been credited with the sum of £156 which was the sum which represented thirteen months of the management fee to be refunded to the Applicant.

On 13 June 2017, the tribunal received from the Applicant an email confirming that he had received the funds from the Respondent.

The tribunal has taken account of the said documentary evidence provided by the Respondent and the Applicant. The tribunal unanimously agrees that the Respondent has complied with the proposed order. The tribunal certifies that the Respondent has complied with the proposed order and therefore does not require to issue a PFEO.

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.

P Pryce

Legal and Chairing Member

15 June 2017 Date