

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Certificate of Compliance and Decision relating to the Property Factor Enforcement Order (“PFEO”) dated 9 June 2021 issued under the Property Factors (Scotland) Act 2011 (“the Act”)**

**Case reference: FTS/HPC/PF/21/0124**

**Re:- 3/1 397 Great Western Road, Glasgow G4 9HY**

**The Parties:-**

**Okay Limited, having a registered office at Summit House, 4-5 Mitchell Street, Edinburgh EH6 7BD (“the Applicant”)**

**and**

**James Gibb Property Management Ltd, 65 Greendyke Street, Glasgow G1 5PX (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (legal member) and Sara Hesp (ordinary member)**

### **Decision**

1. The Tribunal unanimously determined that the respondent has complied with the PFEO dated 20 May 2021, and accordingly the Tribunal determined to issue a Certificate of Completion in confirmation that compliance had been achieved.

### **Reasons for Decision**

2. Following the Tribunal’s primary decision dated 3 May 2021, a PFEO dated 20 May 2021 was issued in the following terms:-
  - “1. Within 14 days of the date of service of this PFEO the respondent must pay the applicant £1,000 for breaching the Code of Practice for Property Factors, which forms part of the contractual arrangements between the parties.
  2. Within 14 days of the date of service of this PFEO the respondent must prepare a schedule of proposed staff training to ensure that all relevant

staff are fully aware of the respondent's obligations in respect of the property at flat 3/1 397 Great Western Road, Glasgow G4 9HY and the tenement within which it is situated, and in particular:

- (i) To have detailed knowledge of the terms of the Code of Practice and to ensure that they comply with it.
  - (ii) To accurately record all homeowners complaints in writing whether such complaints are received in writing or by telephone, and to record the dates when corresponding contractors are instructed including their identity and a summary of the work undertaken and when it is completed."
3. The respondent has lodged detailed submissions and vouching regarding their compliance with the PFEO. It was confirmed that on 1 June 2021 the applicant had passed her bank details to the respondent to allow for processing of the payment of £1,000 to her account. Additionally, the respondent's own in-house training modules for the Code of Conduct, Written Statement of Services and Development Managers were provided for review. Specification of the staff members involved in the management of the applicant's property were identified and it was confirmed that training had been scheduled for 14 June 2021.
4. On 13 July 2021 the applicant was asked to confirm her position on the respondent's compliance, but no response has been received.
5. The Tribunal was satisfied on the basis of the documentary evidence produced by the respondent, found to be credible and reliable, which vouches compliance with both elements of the PFEO, that full compliance had been evidenced. Accordingly the Tribunal resolved that this Certificate of Compliance should be issued.

## **Appeals**

**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.**

Legal Member

Date: 9 August 2021