

Housing and Property Chamber

First-tier Tribunal for Scotland



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/21/2238

Re: Property at 6 Old Dalmore Drive, Auchendinny, EH26 0NG (“the Property”)

Parties:

Dr Sarah Morton, residing at 6 Old Dalmore Drive, Auchendinny, EH26 0NG (“the Applicant”)

Charles White Limited, Citypoint, 65 Haymarket, Edinburgh EH12 5HD (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member)

Andrew McFarlane (Ordinary Member)

Decision of the Tribunal

The Tribunal having determined that the Property Factor Enforcement Order (PFEО) relating to the property which was dated 19 May 2023 has been complied with hereby certifies that the respondent has complied with the PFEО.

Reasons for Decision

1. By decision dated 23 March 2023 the Tribunal determined that the respondent had failed to comply with certain duties arising from the Property Factors Code of Conduct (“the Code”). The Tribunal subsequently issued a Property Factor Enforcement Order dated 19 May 2023 which required the respondent to make a payment to the applicant of the sum of £500.
2. Subsequent to the issue of the Order, the Tribunal received correspondence from the respondent and the applicant confirming that a payment had been made to the applicant in accordance with the PFEО.
3. Accordingly, the Tribunal is satisfied that the respondent has complied with the terms of the PFEО and have decided to issue this certificate of compliance. No further action is therefore required by the respondent in terms of the PFEО which may now be deemed to be completed.

Rights of Appeal

4. 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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.



15/08/2023

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James Bauld, Chairperson

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Date