

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order ("PFEO"): Property Factors (Scotland) Act 2011 Section 19(3)

Chamber Ref: FTS/HPC/PF/17/0116

Flat 1-3, 27 McLennan Street, Mount Florida, Glasgow G42 9DH ("the Property")

The Parties:-

Mr Ryan Holmes, 19 Allanshaw Street, Hamilton M13 6NL ("Homeowner")

Edzell Property Services LLP t/a Edzell Property, 1008 Pollokshaws Road, Glasgow ("Factor")

Tribunal Members :

Joan Devine – Chairing and Legal Member

Andrew Taylor – Ordinary Member

This document should be read in conjunction with the First-tier Tribunal's Decision of 27 November 2017.

Decision

The First-tier Tribunal has decided that it should make a Property Factor Enforcement Order ("PFEO") in the terms originally proposed by it.

The decision of the Tribunal is unanimous.

Reasons for Decision

In the Tribunal's decision of 27 November 2017, it proposed to make a PFEO as follows :

(1) The Factor will pay to the Homeowner within 28 days of the date of service this order the sum of Seven Hundred and Fifty Pounds (£750).

The Tribunal indicated that prior to making a PFEO, 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 11 December 2017.

There were no representations received.

The Tribunal therefore confirm the decision made in terms of Section 19(1) (a) on 27 November 2017.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

(1) The Factor will pay to the Homeowner within 28 days of the date of service of this order the sum of Seven Hundred and Fifty Pounds (£750).

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

Appeals

A homeowner or property factor 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.

Joan Devine

Legal Member and Chair

29-1-18

Date