



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

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

Reference numbers: FTS/HPC/PF/23/0299 & FTS/HPC/PF/23/0302

Re: Property at 22 Villa Dean, Rosewell, EH24 9ES (“the Property”)

The Parties:

Mr Philip Purcell, Mrs Lesley Purcell, 22 Villa Dean, Rosewell, EH24 9ES (“the Applicants”)

Trinity Factoring Services Ltd, 209/211 Burtsfield Place, Edinburgh, EH10 4DH (“the Respondent”)

Tribunal Members Alison Kelly (Legal Member), David Godfrey (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision of 13th May 2024.

Decision

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it.

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal’s decision of 13th May 2024, it proposed to make a PFEO as follows:

No later than 4 weeks from date of PFEO the Property Factor must:

1. Pay the Applicants the sum of £200 in respect of the breach of paragraph 2.4 of the Code;
2. Pay the Applicants the sum of £200 in cumulo in respect of the two breaches of paragraph 2.7 of the Code;
3. Pay the Applicants the sum of £200 in respect of the breach of paragraph 7.2 of the Code;

4. Provide the documentation requested by the Applicant in relation to the invoices rendered by the contractor.

The Tribunal's decision was intimated to the parties on 28th May 2024

No representations were received from either party.

The Tribunal confirms the decision made on 14th May 2024.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

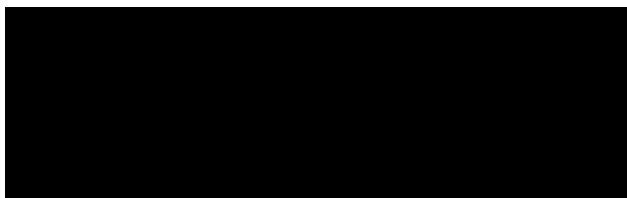
No later than 4 weeks from date of PFEO the Property Factor must:

1. Pay the Applicants the sum of £200 in respect of the breach of paragraph 2.4 of the Code;
2. Pay the Applicants the sum of £200 in cumulo in respect of the two breaches of paragraph 2.7 of the Code;
3. Pay the Applicants the sum of £200 in respect of the breach of paragraph 7.2 of the Code;
4. Provide the documentation requested by the Applicant in relation to the invoices rendered by the contractor.

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.

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.



Alison J Kelly Chairperson

17th June 2024

