

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Revocation of Property Factor Enforcement Order: section 21 Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/20/0851

163/161 Allison Street, Glasgow, G42 8RY (“the Property”)

The Parties:-

Mr Mohammed Yasin, 163 Allison Street, Glasgow, G42 8RY (“the Homeowner”)

Hacking and Paterson Management Services, 1 Newton Terrace, Glasgow, G3 7PL (“the Property Factor”)

Tribunal Members

Ms H Forbes (Legal Member)

Mr D Godfrey (Ordinary Member)

Decision

The Tribunal has decided to revoke the Property Factor Enforcement Order (“PFEO”) made by it on 7th April 2021.

Reasons for Decision

1. It has come to the attention of the Tribunal, following the making of the PFEO on 7th April 2021, that both parties made timeous representations and applications for review of the decision of the Tribunal of 22nd February 2021.
2. On 19th April 2021, the Tribunal was made aware that by email dated 14th April 2021, the Property Factor informed the Housing and Property Chamber (“HPC”) that it had submitted an application for review and appeal dated 11th March 2021.
3. On 20th April 2021, the Tribunal was made aware that by email dated 4th March 2021, the Homeowner submitted an application for review of the Tribunal’s decision.
4. Accordingly, the Tribunal now revokes the PFEO made in error.

5. The Tribunal will now consider the applications for review in terms of Rule 30 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended ("the Rules") and revert to the parties in due course as to whether the applications for review have merit and will be considered.
6. The Tribunal notes that the application from the Property Factor mentions an appeal against the decision, however, it does not set out a proper application for permission to appeal the decision as required by Rule 37.

Right of 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.

Legal Member and Chairperson

21st April 2021