

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

### **Property Factor Enforcement Order (“PFOE”):**

**Property Factors (Scotland) Act 2011 Section 19(3)**

Case reference : FTS/HPC/PF/18/2024

**Re: Property at 8a Davidson Drive, Gourock PA16 1QD (“the Property”)**

**The Parties :**

**Margaret Hughes, 8a Davidson Drive, Gourock PA16 1QD (“Applicant”)**

**River Clyde Homes, Roxburgh House, 102 – 112 Roxburgh Street, Greenock, Inverclyde PA15 4JT (“the Respondents”)**

**Tribunal Members:-**

<b>David Bartos</b>	<b>(Legal Member and Chair)</b>
<b>Elizabeth Dickson</b>	<b>(Ordinary Member)</b>

This document should be read in conjunction with the First-tier Tribunal’s Decision of 15 January 2019 and Notice of Revocation of 4 March 2019.

**Decision**

The Tribunal has decided to make a PFOE in terms of its Notice of Proposal dated 15 January 2019.

The decision of the Tribunal is unanimous.

**Reasons for Decision**

1. In the Tribunal’s decision of 15 January 2019 it proposed to make a PFOE as follows:

The Respondents shall, by no later than 12 February 2019 pay to the Applicant the sum of one hundred pounds Sterling (£ 100.00).

2. The Tribunal's decision was intimated to the parties on or about 23 January 2019. No representations on the proposed order under section 19(2)(b) of the 2011 Act were received by the Tribunal. The Tribunal remained satisfied that the Respondents had failed to comply with their duty under section 7.2 of the Property Factors Code of Conduct. Accordingly under section 19(3) of the 2011 Act the Tribunal was required to make a PFEO.
3. While no representations were received by the Tribunal on whether a PFEO should be made in the terms set out in the proposal, on 4 February 2019 the Tribunal received an e-mail from the Respondents. The e-mail attached a copy letter of the same date to the Applicant which purported to enclose a cheque in terms of the proposed PFEO.
4. On 19 February 2019 the Tribunal received a letter from the Applicant dated 13 February which confirmed receipt of the cheque.
5. The sending and receipt of the cheque has been taken into account in the Notice of Revocation of the PFEO which accompanies this PFEO.

### **Property Factor Enforcement Order**

The First-tier Tribunal hereby makes the following PFEO:

“The Respondents shall within two weeks of the notification of this Order pay to the Applicant the sum of one hundred pounds Sterling (£ 100.00).”

**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.**

David Bartos

Legal Member and Chair

4 March 2019 \_\_\_\_\_ Date