

Housing and Property Chamber
First-tier Tribunal for Scotland



Variation of Property Factor Enforcement Order Decision

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

Property Factors (Scotland) Act 2011 Section 21

Chamber Reference: FTS/HPC/PF/21/1864

Re the Property at 0/1 1840 Great Western Road, Anniesland, Glasgow, G13 2TN (“the Property”)

The Parties:

Craig McNicol, 61 Langdale Road, Sale, M33 4FL (“the Applicant”) and

Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL (“the Respondent”) and

Brodies LLP, 110 Queen Street, Glasgow G1 3BX (The Respondent’s Representative”

Tribunal Members:

G. McWilliams, Legal Member

D Godfrey, Ordinary Member

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) have determined that the Property Factor Enforcement Order (“PFEO”) relative to the Property, dated 8th April 2022, should be varied with effect from the date of service of this Decision Notice in the following respect:

The period allowed for compliance with Part 2 ii) of the PFEO is extended until 31st March 2023.

Reasons for Decision

Having considered the recent correspondence received from the Applicant and Respondent’s Representative the Tribunal is satisfied that the Respondent is still taking action to comply with the outstanding Part 2 ii) of the PFEO. Accordingly, the

Tribunal has decided that it is reasonable to extend the time for compliance with Part 2 ii) of the PFEO until 31st March 2023.

In terms of Section 24 (1) of the 2011 Act, a person/ body who, without reasonable excuse, fails to comply with a PFEO, 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 within thirty day 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.

In witness whereof these presents, typewritten on this and the preceding page, are executed by Gerry McWilliams, Legal Member of the Tribunal, at Glasgow on 24th January 2023, before this witness:

**Carol Cassidy- Witness
Secretary**

Gerry McWilliams Legal Member