

Housing and Property Chamber

First-tier Tribunal for Scotland



**Decision of the First-tier Tribunal for Scotland Housing and Property Chamber
In an Application under section 17 of the Property Factors (Scotland) Act 2011**

by

Stuart Hogg, 4 Campbell's Close, Edinburgh EH8 8JJ ("the Applicant")

Trinity Factoring Services Ltd, 209/211 Bruntsfield Place, Edinburgh EH10 4HD ("the Respondent")

Chamber Ref: HOHP/PF/16/0128

Re: 4 Campbell's Close, Edinburgh EH8 8JJ ("the Property")

Tribunal Members:

John McHugh (Chairman) and David Hughes-Hallett (Ordinary (Housing) Member)

DECISION

The Tribunal decides not to issue a Property Factor Enforcement Order.

The decision is unanimous.

REASONS FOR DECISION

In this decision we refer to the Property Factors (Scotland) Act 2011 as "the 2011 Act" and the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors as "the Code".

In our decision of 27 February 2017 we found that the Respondent had breached its property factor's duties and duties arising under the Code. We provided the parties with a copy of a proposed Property Factor Enforcement Order ("PFEO") for their comment. The proposed PFEO provided that the Respondent must make a payment of £600 to the Applicant within 31 days.

On 23 March 2017, the Respondent contacted the office of the Tribunal to confirm that the payment anticipated in the PFEO had been issued by the Respondent to the Applicant and requested that the PFEO should not be issued. The Applicant subsequently confirmed his receipt of the payment.

In the circumstances, issuing the PFEO would appear unnecessary and so we have elected in terms of section 19(1)(b) of the 2011 Act not to issue any PFEO in this case.

APPEALS

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.

J McHugh

JOHN M MCHUGH

CHAIRMAN

DATE: 18 April 2017