

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an Application made in terms of Section 17 of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/21/0404

The Property: 34 Hillman Crescent, Paisley, PA3 3FD (“the Property”)

The Parties:

Mr Andrzej Suwik 34 Hillman Crescent, Paisley, PA3 3FD (“the Applicant”), and

Lloyd Younger Ltd, Midland Centre, Fenwick, KA3 6BY (“the Respondent”)

Tribunal Members:

G McWilliams (Legal Member) and C Jones (Ordinary Member)

Decision

The Tribunal has determined that the Respondent has complied in full with the terms of the Proposed Property Factor Enforcement Order (“PFEO”) issued on 4th March 2022 and therefore no further action is required. The decision is unanimous.

Statement of Reasons

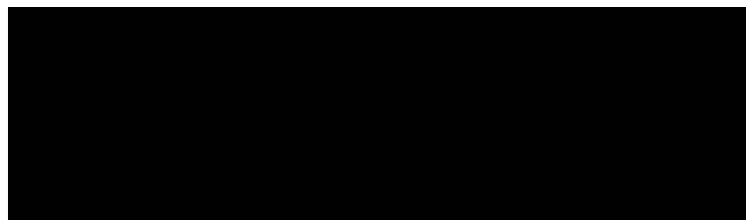
1. In their Decision, dated 22nd February 2022, the Tribunal determined that the Respondent had not complied with Sections 1.1a D I, 2.1 and 2.5 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors (“the Code”) and also failed to carry out their Property Factor’s Duties in terms of Section 17 (5) of the 2011 Act.
2. The Tribunal issued a Notice of Proposed PFEO together with the Decision to the parties on 4th March 2022 and invited representations within 14 days of the Notice being received by the parties. In terms of the

Proposed PFEO the Respondent was to make a compensation payment to the Applicant, in the sum of £200.00, within 14 days of the date of issue of the PFEO.

- 3. No representations were made by either party. The Tribunal issued emails to both parties and they each confirmed that the Respondent had paid the sum of £200.00 to the Applicant on 16th March 2022, in terms of the Proposed PFEO.**
- 4. The Tribunal having considered matters has determined that the Proposed PFEO has been complied with by the Respondent and that no further action is required.**

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 within 30 days of the date the decision was sent to them.



G. McWilliams, Legal Member

21st July 2022