

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Property Factor Enforcement Order (“PFEO”)**

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

**Chamber Reference No: FTS/HPC/PF/20/1445**

**Re: Property at 29 Rattray Grove, Edinburgh, EH10 5TL (“the Property”)**

**The Parties:-**

**Mr Willian M Smith, 29 Rattray Grove, Edinburgh, EH10 5TL (“the Applicant”)**

**Trinity Property Factors, 209/211 Bruntsfield Place, Edinburgh, EH10 4DH (“the Respondents”)**

### **Decision**

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it. The decision of the Tribunal is unanimous.

### **Reasons for Decision**

In the Tribunal’s decision of 4<sup>th</sup> February 2021 it proposed to make a PFEO.

The Tribunal indicated that, prior to making a PFEO, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Property Factors (Scotland) Act 2011 (“the Act”).

The Tribunal’s decision was intimated to the parties on 12<sup>th</sup> February 2021.

Neither party made representations on the proposed PFEO.

Accordingly the Tribunal upholds and confirms its original decision dated 4<sup>th</sup> February 2021 that a PFEO should be made and the terms of the order are noted below.

## **Property Factor Enforcement Order**

The First-tier Tribunal hereby makes the following PFEO:

Within 4 weeks of the date of intimation to the Respondent of this PFEO, the Respondent must:

1. Pay to the Applicant the sum of £300, such payment by way of a cheque made payable to Applicant, or bank transfer, as opposed to a credit to his factoring account.
2. Confirm in writing to the Office of the Tribunal that step one above has been carried out.

### **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.

**Failure to comply with a PFEO may have serious consequences and may constitute an offence.**

**ANDREW COWAN**

**CHAIRMAN**

**Date: 4 March 2021**