

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Revocation of Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 21

Chamber Ref: FTS/HPC/PF/20/0931

Property at 3/1, 3 Albion Gate, Glasgow, G1 1HE (“the Property”)

The Parties:-

Dr Eileen Mills, Flat 3/1, 3 Albion Gate, Glasgow, G1 1HE (“the Homeowner”)

Speirs Gumley Property Management, 270 Glasgow Road, Glasgow, G73 1UZ (“the Property Factor”)

Tribunal Members:

Andrew Cowan, Solicitor (Legal Member)

**Andrew Murray (Surveyor Member)
(the Tribunal”)**

Decision

The Tribunal has decided to revoke the Property Factor Enforcement Order (“PFEO”) issued by the Tribunal and dated 7th March 2023.

The decision of the Tribunal is unanimous.

Reasons for Decision

The Tribunal issued a Decision, dated 15th February 2023, in which it proposed to make a PFEO.

The Tribunal thereafter issued a PFEO dated 7th March 2023.

Following the issue of the PFEO the Homeowner contacted the Tribunal by email dated 9th March 2023 and confirmed that she wished to “decline the PFEO of £300”.

In terms of Section 21 of the Property Factor (Scotland) Act 2011, where the First-tier Tribunal has made a Property Factor Enforcement Order, it may at any time, where it considers that the action required by the order is no longer necessary, revoke the PFEO.

As the Homeowner has indicated that she wishes to decline the payment ordered to be made in terms of the PFEO, and having provided the Parties an opportunity to comment on a proposal to revoke the PFEO, both Parties have consented to this course of action.

In the circumstances, the Tribunal hereby revoke the PFEO dated 7th March 2023.

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.

Legal Member and Chair

24 March 2023 Date