



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

Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(3)

Chamber Ref: FTS/HPC/PF/18/1810

**Flat 2/2, 665 Cumbernauld Road, Alexandria View, Glasgow G33 2EA
("the Property")**

The Parties:-

**Miss Deborah Scott, Flat 2/2, 665 Cumbernauld Road, Alexandria View, Glasgow G33 2EA
("the Homeowner")**

**Park Property Management Limited, 11 Somerset Place, Glasgow G3 7JT
("the Factor")**

Tribunal Members:

Graham Harding (Legal Member)

David Hughes Hallett (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal's Decision of 8 October 2018.

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 8 October 2018, it proposed to make a PFEO as follows:

- (1) The Factor must in any future Budget Reconciliation Statements ensure that there is a clear differentiation made between actual expenditure and any funds accrued as a reserve for potential future expenditure.
- (2) The Factor must make a payment of £200.00 to the Homeowner from its own funds within 30 days of the date of issue of this order and produce confirmation to the Tribunal that it has done so within 7 days of payment being made.

The Tribunal indicated that prior to making a property factor enforcement order, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

The Tribunal's decision was intimated to the parties on 12 October 2018.

The Homeowner made representation to the Tribunal by email dated 19 October 2018 and requested that the Tribunal review its decision as she had discovered additional late payment charges had been applied by the Factor and as she was not satisfied with the bank statements produced by the Factor at the hearing.

Having considered the Homeowners representations, the Tribunal refused the application for review and hereby confirms its original decision without any amendments.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

- (1) The Factor must in any future Budget Reconciliation Statements ensure that there is a clear differentiation made between actual expenditure and any funds accrued as a reserve for potential future expenditure.
- (2) The Factor must make a payment of £200.00 to the Homeowner from its own funds within 30 days of the date of issue of this order and produce confirmation to the Tribunal that it has done so within 7 days of payment being made.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

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.

Graham Harding

Legal Member and Chair

26 November 2018 Date