

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order: Housing (Scotland) Act 2006 section 19

Chamber Ref: pf/16/0014

The Property: Flat 1/1, 10 Andrews Street, Paisley PA3 2EP

The Parties:

Mr Dave Sinclair, residing at the property ('the homeowner')

Link Housing Association, registered in the Register of Factors under Number PF000355 and having its registered office at Watling House, Callendar Business Park, Falkirk FK1 1XR, per Ms Laura McCabe, HBJ Gately, Solicitors, Cornerstone, 107 West Regent Street Glasgow G2 2BA. ('the property factor')

The First-tier Tribunal for Scotland (Housing and Property Chamber) (formerly the Private Rented Housing Committee):

David Preston (Chairman); and Kingsley Bruce (Surveyor Member)
(‘the tribunal’)

WHEREAS in its Decision dated 28 November 2016 the Private Rented Housing Committee (now “the tribunal”) determined that the factors had failed to comply with the Code of Conduct for Property Factors (“the Code”); and it determined to issue a Property Factor Enforcement Order (PFEO):-

The required Notice of Proposed PFEO under section 19(2) of the Act was given to the parties on 7 December 2016 to allow them a period of 21 days from that date within which to make representations.

No representations were received from either party within the statutory time limit.

Accordingly the committee makes the following PFEO:

Within one month of the date of issue of this PFEO, the factors will:

1. Complete a review of their accounting and invoicing process to ensure that homeowners are provided with clear and unambiguous explanations and descriptions of outlays and expenses incurred in their statements.

2. Carry out at their own expense, and not from funds held on behalf of homeowners, and with the cooperation of the homeowner adequate investigation to identify the cause of the problem related to the downpipe serving the homeowner's kitchen sink. In the event that the problem is found to be a common repair, the factors will bear, at their own expense, and not from funds held on behalf of homeowners, the share of the cost of the repair which would be attributable to the homeowner's property. In the event that the problem is found to be a specific problem for which the homeowner is responsible, the homeowner to be advised accordingly in order that he can effect any necessary repair at his own cost.

Failure to comply with a Property Factor Enforcement Order may have serious consequences and may constitute an offence.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

D Preston

Chairman

.....30 December 2016..Date