

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

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”)**

This document should be read in conjunction with the First-tier Tribunal’s Decision of 15th February 2023.

Decision

The Tribunal has decided that it should make a Property Factor Enforcement Order (“PFOE”) in the terms originally proposed by it.

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal’s decision of 15th February 2023, it proposed to make a PFOE as follows:

‘The Property Factor must pay the Homeowner the sum of £300 for the inconvenience she has suffered from their own funds and at no cost to the Homeowner. The said sum to be paid within 28 days of the communication to the Factor of the Property Factor Enforcement Order.’

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 17th February 2023.

The Homeowner has not responded to the Tribunal's proposal to issue the PFEO. By email dated 21st February 2023 the Property Factor acknowledged the Tribunal's decision and confirmed that they would meet the terms of the proposed PFEO.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

The Property Factor must pay the Homeowner the sum of £300 for the inconvenience she has suffered from their own funds and at no cost to the Homeowner. The said sum to be paid within 28 days of the communication to the Factor of the Property Factor Enforcement Order.

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.

Legal Member and Chair

7/3/23

Date