



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

In an Application under section 17 of the Property Factors (Scotland) Act 2011

Re: Longford Crofts, West Calder EH55 8FD (“the Property”)

The Parties:-

Karim Sowaidan, 8 Longford Crofts; Ruth Close, 6 Longford Crofts; Roddy Fuller, 5 Longford Crofts EH55 8FD; and Robert Dalziel, 4 Longford Crofts EH55 8FD (“the Applicants”)

Longford Property Management, Longford Farm, West Calder, West Lothian EH55 8NS (“the Respondent”)

Chamber Ref: FTS/HPC/LM/19/3717, 20/0283, 20/0334 and 22/2063

Tribunal Members:

John McHugh (Chairman) and Robert Buchan (Ordinary (Surveyor) Member).

DECISION

We are of the view that we should make a property factor enforcement order in the terms originally proposed by us.

Our decision is unanimous.

REASONS FOR DECISION

In our Decision of 15 September 2022 we indicated that we proposed to make a property factor enforcement order (“PFEO”). We indicated that, prior to making a property factor enforcement order, we would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

The Applicants have made no comments. The Respondent has made comments by email of 29 September 2022. Having considered those comments, we have not identified a reason to alter the terms of the PFEO. Accordingly, we have decided to issue the PFEO in the form previously intimated. (We are aware from very recent correspondence that the Respondent may already have complied with the PFEO. There will be a process to be followed to confirm compliance before a decision on that matter can be issued).

Property Factor Enforcement Order

We hereby make the following Property Factor Enforcement Order (“PFEO”):

“Within 35 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 *Pay to each of the Applicants the sum of £400, such payment to be by way of a cheque made payable to the Applicant or bank transfer as opposed to a credit to their factoring accounts.*

- 2 *Confirm in writing to the office of the Tribunal that step 1 above has been carried out.”*

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

APPEALS

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.

Signed

Date 1 November 2022

JOHN M MCHUGH

Chairperson

