

Housing and Property Chamber

First-tier Tribunal for Scotland



Property Factor Enforcement Order (PFEO) under Property Factors (Scotland) Act 2011 section (19)

Chamber Ref: FTS/HPC/PF/19/3559

Re: Property 286 Stonelaw Road, Burnside, Glasgow G73 3RP ("the Property")

Parties:

Ardamaka Limited, c/o Fallside, Lochwinnoch, Renfrewshire, PA12 4DJ ("the Applicant")

Apex Property Factor, 46 Eastside, Kirkintilloch, East Dunbartonshire, G66 1QH ("the Respondent")

Tribunal Members:

Andrew Cowan (Legal Member); Robert Buchan (Surveyor Member)

This document should be read in conjunction with the Tribunal's decision of 27 August 2020

DECISION

The Tribunal has decided it should make a PFEO in the terms originally proposed by it. The decision of the Tribunal is unanimous.

REASONS FOR DECISION

The Tribunal initially heard this case at the hearing which took place on 27 August 2020. After that hearing, the Tribunal issued a decision indicating it proposed to make a PFEO and allowed parties a period of 14 days within which to make representations in terms of the proposed PFEO. All as provided by section 19 (2) (b) of the 2011 Act. The decision of the Tribunal was issued to both parties.

The Tribunal has noted that neither party has made any response to the proposed PFEO and have made no written representations in respect of same.

Accordingly the Tribunal upholds and confirms its original decision dated 27th August 2020 that a Property Factor Enforcement Order should be made and the terms of the order are noted below.

PROPERTY FACTOR ENFORCEMENT ORDER

The Tribunal makes the following Property Factory Enforcement Order:-

1. The Respondent is required to make a payment of £100 to the Applicant, within 14 days of intimation of this order. Evidence of such payment should be provided to the Tribunal.

Under section 24 (1) of the Property Factors (Scotland) Act 2011 a person who, without reasonable excuse, fails to comply with the Property Factor Enforcement Order commits an offence.

Review of Tribunal's Decision

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.

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

5 October 2020

.....
Andrew Cowan, Chairperson

.....
Date

Witness

Kirsty Nairn

Full name

Head of Business Development

Designation

7 West George Street,
Glasgow,
G2 1BA