

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(2)

Chamber Ref: FTS/HPC/Property Factors/20/0015

The Parties:-

Miss Joanna Wood and Mr Cameron Caine, 50 Schoolhill, Aberdeen, AB10 1JQ (“the Homeowners”)

Aberdeen Property Leasing, Rosemount House, 138-140 Rosemount Place, Aberdeen, AB25 2YU (“the Property Factors”)

The Tribunal:-

**Melanie Barbour (Legal Member)
Andrew Taylor (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal’s Decision of 24 February 2022.

Decision

The Tribunal has decided that it should make a PFEO. The decision of the Tribunal is unanimous.

Reasons for the Decision

In the Tribunal’s decision of 24 February 2022, it proposed to make a PFEO as follows:-

Within a period of two months from the date of the PFEO the Factor must:

1. From their own funds pay the Homeowners the sum of TWO THOUSAND FIVE HUNDRED POUNDS (£2,500.00) STERLING; and
2. Provide to the Tribunal written confirmation that item (1) has been complied with.

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 2 March 2022.

Neither party made any written representations in respect of the proposed property factor enforcement order.

Property Factor Enforcement Order

The First tier Tribunal hereby makes the following PFEO.

Within a period of two months from the date of the PFEO the Factor must:

1. From their own funds pay the Homeowners the sum of TWO THOUSAND FIVE HUNDRED POUNDS (£2,500.00) STERLING; and
2. Provide to the Tribunal written confirmation that item (1) has been complied with.

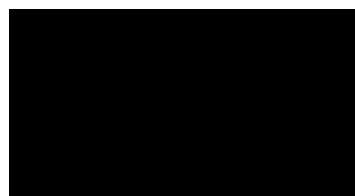
Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

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.

Melanie Barbour

Legal Member and Chair



19 April 2022

Date