



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

by

Jennifer Toft, 34 Lochan Road, Kilsyth, Glasgow G65 0DW ("the Applicant")

SG Property Management Ltd, 272 Bath Street, Glasgow G2 4JR ("the Respondent")

Re: Property at 34 Lochan Road, Kilsyth, Glasgow G65 0DW ("the Property")

Chamber Ref: FTS/HPC/LM/23/0158 & 0159

Tribunal Members:

John McHugh (Chairman) and Ahsan Khan (Ordinary (Housing) 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 21 August 2023 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 Applicant has by email of 3 October 2023 raised a concern that the Respondent has failed to comply with the terms of the proposed PFEO. The Respondent has made comments by email of 12 September 2023. The Respondent explains that it considers that it has now complied with the terms of the Proposed PFEO. 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 the correspondence that the parties may have a dispute as to whether the Respondent has already 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”):

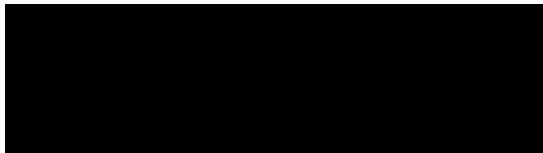
“Within 35 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 *Credit to factoring account of the Applicant the sum of £33.60.*
- 2 *Review its internal procedures such that homeowners are referred to the formal Complaint Resolution process when informal routes have been attempted unsuccessfully.*
- 3 *Revise its ground maintenance specification to include specific plans for the adequate maintenance of the Fenced Area.*
- 4 *Take steps to ensure the retention of records of phone calls with homeowners where a complaint has been raised.*
- 5 *Confirm in writing to the office of the Tribunal that steps 1-4 above have 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 7 November 2023

JOHN M MCHUGH

Chairperson

