

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/17/0447

Re: Flat 3/1, 9 Dover Street, Glasgow, G3 7BG (“the Property”)

The Parties:-

Mr Gordon Orr, Flat 3/1, 9 Dover Street, Glasgow, G3 7BG (“the Homeowner”)

Glasgow West Enterprises Limited, 5 Royal Crescent, Glasgow, G3 7SL (“the Factor”)

Decision

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

Reasons for Decision

In the Tribunal’s decision of 21st August 2018, it proposed to make a PFOE as follows:

“The Tribunal proposes to make a PFOE requiring the Factor, within 21 days of intimation of the PFOE, to pay the sum of £500 from their own funds and at no cost to the development homeowners, in order to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor’s failure to comply with the Property Factors Code of Conduct.”

The Tribunal indicated that, prior to making a PFOE, 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 31st August 2018.

No representations were made by either party on the proposed terms of the PFOE.

The Tribunal confirmed its decision made on 21st August 2018 in terms of Section 19(1)(a) of the Act. The Tribunal agreed that it would be appropriate to make a PFEO.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

The Factor is required, within 21 days of intimation of the PFEO, to pay the sum of £500 from their own funds and at no cost to the development homeowners, in order to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor's failure to comply with the Property Factors Code of Conduct.

Failure to comply with a PFEO may have serious consequences and may constitute an offence.

Right of Appeal

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.

Legal Member and Chairperson

23rd September 2018