

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(3)

Chamber Ref: FTS/HPC/PF/19/2269

78 Braehead, Methven Walk, Dundee, DD2 3JF (“The Property”)

The Parties:-

Miss Camilla Johnston, 78 Braehead, Methven Walk, Dundee, DD2 3JF (“the Homeowner”)

Ross and Liddell Ltd, Unit 19, City Quay, Camperdown Street, Dundee, DD1 3JA (“the Property Factor”)

Tribunal Members:

Martin J. McAllister, Solicitor, (Legal Member)

**Michael Scott, Chartered Surveyor, (Ordinary Member)
(the “tribunal”)**

This document should be read in conjunction with the First-tier Tribunal’s Decision of 25th November 2019 and the proposed property factor enforcement order dated 25th November 2019 which were both served on the parties on or around 29th November 2019.

In this decision the Property Factors (Scotland) Act 2011 is referred to as “the 2011 Act and the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors is referred to as “the Code.”

Decision

The tribunal has decided to make a property factor enforcement order (PFEO) in terms of its Decision and Notice of Proposed PFEO both dated 25th November 2019.

The decision of the Tribunal is unanimous.

Under Section 24(1) of the 2011 Act, 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.

Martin J. McAllister, Legal Member and Chair

23rd December 2019