

# 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/20/0851**

**163/161 Allison Street, Glasgow, G42 8RY (“the Property”)**

### **The Parties:-**

**Mr Mohammed Yasin, 163 Allison Street, Glasgow, G42 8RY (“the Homeowner”)**

**Hacking and Paterson Management Services, 1 Newton Terrace, Glasgow, G3 7PL (“the Factor”)**

### **Tribunal Members**

**Ms H Forbes (Legal Member)**

**Mr D Godfrey (Ordinary Member)**

### **Decision**

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

### **Reasons for Decision**

1. In the Tribunal’s decision of 22<sup>nd</sup> February 2021, it proposed to make a PFEO as follows:

“The Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £500 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor’s failure to comply with the Code of Conduct for Property Factors and the failure to carry out its property factor duties.”

2. The Tribunal indicated that, prior to making a PFEO, 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 was informed that no representations had been made by parties and a PFEO was made on 7<sup>th</sup> April 2021.

3. On 19<sup>th</sup> April 2021, the Tribunal was made aware that by email dated 11<sup>th</sup> March 2021, the Property Factor submitted an application for review of the Tribunal's decision, in terms of Rule 30 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended ("the Rules").
4. On 20<sup>th</sup> April 2021, the Tribunal was made aware that by email dated 4<sup>th</sup> March 2021, the Homeowner submitted an application for review of the Tribunal's decision, in terms of Rule 30.
5. Accordingly, the Tribunal revoked the PFEO on 21<sup>st</sup> April 2021.
6. The Tribunal considered the applications for review and found the applications to be wholly without merit and refused the applications for review.
7. The Tribunal has now confirmed its decision made 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**

8. The First-tier Tribunal hereby makes the following PFEO:

The Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £500 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor's failure to comply with the Code of Conduct for Property Factors and the failure to carry out its property factor duties.

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.**

