

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Alan Finlayson, 84/6 Chesser Crescent, Edinburgh EH14 1SE (“the Applicant”)

**Ross & Liddell, Greenbelt Group Limited, McCafferty House, 99 Firhill Road,
Glasgow G20 7BE (“the Respondent”)**

Re: 84/3-6 Chesser Crescent, Edinburgh EH14 1SE (“the Property”)

Chamber Ref: FTS/HPC/PF/19/4002

Tribunal Members:

John McHugh (Chairman) and Elaine Munroe (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 16 June 2022 we indicated that we proposed to make a property factor enforcement order ("PFEO"). The Decision has since been subject to review which process resulted in minor amendments to the Decision,

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 made comments by emails of 25 and 28 June. In those emails, he indicated that he wondered how difficult, or easy, it would be for the Respondent to comply with the PFEO. He has repeated his original wish that a compensation payment should be ordered with any amount payable going to Shelter.

Having considered the parties' representations, 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.

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 Review its practices regarding the provision of final accounts to homeowners to ensure that the provisions of the Code in this respect are complied with where reasonably possible.

2 Confirm in writing to the office of the Tribunal that step 1 above has 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 9 August 2022

JOHN M MCHUGH

Chairperson

