

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

STATEMENT OF DECISION in respect of an application under section 17 of the Property Factors (Scotland) Act 2011 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Chamber Reference: HOHP/PF/16/0158

The Parties:-

Ms Linda Young, residing at Flat 0/1, 37 Whitehill Place, Dennistoun, Glasgow, G31 2BB ("the Homeowner")

And

Edzell Property Management, having their offices at 1008 Pollokshaws Road, Glasgow, G41 2HG ("The Property Factor")

Tribunal Members:

Mr James Bauld (Legal Member)

Ms Ann MacDonald (Ordinary Member)

Decision

The Tribunal has determined not to issue a Property Factor Enforcement Order (PFE0).

The decision of the Tribunal is unanimous.

Reasons for Decision

The Tribunal issued a decision dated 31 March 2017 following upon a hearing which took place on 23 February 2017.

In that decision, the Tribunal determined that the Property Factor had failed to comply with certain duties arising from the Property Factors Code of Conduct ("The Code"). The Tribunal provided the parties with a copy of a proposed Property Factor Enforcement Order ("PFE0"). The Tribunal invited parties to make further representations to the Tribunal in terms of the relevant provisions of the Property Factors (Scotland) Act 2011.

The decision was issued to the parties by letters dated 4 April 2017. The Tribunal have subsequently received emails from both the Property Factor and the homeowner which confirm that the Property Factor has made a payment to the homeowner of the sum of £400. The Tribunal has accordingly determined that as the Property Factor has taken the action that the proposed PFE0 would have required them to take it is no longer necessary or appropriate to make the proposed Property Factor Enforcement Order.

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.

James Bailld, Legal Member

25 May 2017
Date