

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Decision on Homeowner's Application: Property Factors (Scotland) Act 2011
Section 19(1)(a)**

**The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of
Procedure) Amendment Regulations 2017 ("the 2017 Regulations")**

Chamber Ref: FTS/HPC/PF/18/0380

**Flat 0/1, 12 Prince Albert Road, Glasgow, G12 9NN
("The Property")**

The Parties:-

**Mr Paul Austin, residing at the Property;
("the Applicant")**

**Glasgow West Enterprises Limited, 5 Royal Crescent, Glasgow, G3 7SL
("the Respondent")**

Tribunal Members:

Mr G. McWilliams (Legal Member)
Mrs E. Dickson (Ordinary Member)

Background

1. On 6th July 2018 the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Respondent had failed to comply with their duties under Section 14(5) of the Property Factors (Scotland) Act 2011 ("the 2011 Act") in that they did not comply with Sections 2.1 and 2.5 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors ("the Code") and failed to carry out their Property Factor's duties in terms of Section 17 of the 2011 Act.
2. The Decision containing the determination of the Tribunal stated that the Tribunal proposed making a Property Factor Enforcement Order ("PFE0") in respect of the failure by the Respondent to comply with their duties under Sections 14 and 17 of the 2011 Act and the terms of the proposed PFE0

were set out in a Notice under Section 19(2)(a) of the 2011 Act, issued with the Decision. The proposed PFEO would have required the Respondent to make a compensation payment to the Applicant, in the sum of £500.00, within fourteen days of the date of issue of the PFEO. The Decision was issued to the parties on 10th July 2018.

3. On 24th July 2018 the Respondent's solicitors notified the Tribunal that the Respondent had sent a cheque, in the sum of £500.00, to the Applicant on 23rd July 2018. On 24th July 2018 the Applicant sent an e-mail to the Tribunal stating that he had no comments to make with regard to the proposed PFEO. On 25th July 2018 the Applicant sent an e-mail to the Tribunal confirming that he had received correspondence and a cheque in the sum of £500.00 from the Respondent.

Decision

4. As the terms of the proposed PFEO were complied with before the Tribunal made a PFEO, the Tribunal have determined that it is no longer necessary to make a PFEO.
5. This Decision of the Tribunal is unanimous.

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 within 30 days of the date the decision was sent to them.

G McWilliams
Legal Member

10th September 2018