

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFEО): Property Factors (Scotland) Act 2011 (“the Act”) Section 19(3)

The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Amendment Regulations 2017

Chamber Ref: FTS/HPC/PF/17/0156

**1239/1241 Cathcart Road, Glasgow, G42 9HA
 (“The Property”)**

The Parties:-

Mr Beinan Liu

(“the Applicant”)

Macfie & Co. Management Services Ltd.

(“the Respondent”)

Tribunal Members:

G. McWilliams (Legal Member)

S. Hesp (Ordinary Member)

Property Factor Enforcement Order (“PFEО”):

This document should be read in conjunction with the Tribunal’s Decision and proposed PFEО dated 29th January 2018 under the above reference.

Decision

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

Reasons for Decision

1. By decision dated 29th January 2018 the Tribunal determined that the Respondent had breached its duties in terms of Section 17(1)(b) of the Act in

that it had failed to comply with Sections 2.2 and 3 of the Code of Conduct for Property Factors (“the Code”) as required by Section 14(5) of that Act.

2. In accordance with Section 19(3) of the Act, being satisfied that the Respondent had failed to comply with the Code, the Tribunal must make a PFEO. Before making a PFEO the Tribunal, in order to comply with Section 19(3) of the Act, must give notice of the proposed PFEO to the parties and allow them an opportunity to make representations to the Tribunal in that regard.
3. Notice of the Proposed PFEO was sent to the parties on 2nd February 2018 and the Tribunal allowed 14 days for representations to be received. No representations have been received.

Property Factor Enforcement Order

Therefore the Tribunal makes the following PFEO as originally proposed:

The Respondent is to send a letter to the Applicant apologising in respect of the intimidating language used in previous communications and providing the Applicant with an undertaking that there will be no further communications sent to him which contain intimidating terms. The letter is to be sent by the Respondent to the Applicant within 14 days of the issue of this PFEO.

In terms of Section 24 (1) of the 2011 Act, a person/ body who, without reasonable excuse, fails to comply with a PFEO, commits an offence.

Appeals

A party aggrieved by a decision of the Tribunal may appeal to the Upper Tribunal for Scotland (“the Upper Tribunal”) 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
5th April 2018