

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factors (Scotland) Act 2011 Section 19(3)

Chamber Ref: FTS/HPC/PF/21/1604

30 Salamander Street, Edinburgh (“the Property”)

Parties:

Blue Marmalade Ltd, 36 Dalmeny Street, Edinburgh (“the Homeowner”)

Hacking and Paterson, 103 East London Street, Edinburgh (“the Property Factor”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Andrew Murray (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision of 2 May 2022.

Decision

The Tribunal has determined that it should not make a Property Factor Enforcement Order (“PFOE”).

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 2 May 2022, they proposed to make a PFOE as follows:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £250 for his time, effort, and inconvenience, within 28 days of intimation of the PFOE.

The Tribunal indicated that prior to making a PFEO, it would provide the parties with the opportunity to make representations under section 19(2)(b) of the Act.

The Tribunal's decision was intimated to the parties. On 5 May 2022, the Property Factor sent an email to the Tribunal regarding the proposed PFEO. The Property Factor attached a copy of a letter addressed to the Homeowner which enclosed a cheque for £250. They did not lodge any additional written representations. The Homeowner did not provide any written representations.

The Tribunal notes that the Property Factor has already paid the Homeowner the compensation specified by the Tribunal in the proposed PFEO. Neither party has made representations regarding the terms of the proposed PFEO. The Tribunal is therefore satisfied that a PFEO is not required.

Appeals

A homeowner or property factor aggrieved by a 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.



Josephine Bonnar, Legal Member

22 June 2022