

Housing and Property Chamber

First-tier Tribunal for Scotland



PROPERTY FACTOR ENFORCEMENT ORDER

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011**

Chamber Ref:HOHP/PF/16/0108

2C Thrush Place, Johnstone, PA5 0RZ ('the Property')

The Parties:

Graham Toman residing at 2C Thrush Place, Johnstone, PA5 0RZ ('the Homeowner')

Linstone Housing Association, 17 Bridge Street, Linwood, PA3 3DB ('the Factor')

Committee members:

Jacqui Taylor (Chairperson) and Sara Hesp (Ordinary Member).

The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the property factor's duties in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the factor has not complied with the duties of the Property Factor.

The Tribunal intimated to the parties, in terms of their said decision dated 24th February 2017 that they proposed to make a Property Factor Enforcement Order. The only representations received were from the Homeowner who advised that he was happy with the terms of the proposed Property Factor Enforcement Order. As no material representations have been received from the parties in relation to the proposed Property Factor Enforcement Order the Tribunal make the following Property Factor Enforcement Order:

'Linstone Housing Association are directed to:-

- (a) *Cancel their invoice dated 20th May 2016 (reference 50006057) and bear the VAT charge of £406 from their own funds and*
- (b) *Forward a credit note in respect of the said cancelled invoice to the Homeowner and a copy to the Tribunal, within 30 days of the date hereof.'*

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a Property Factor Enforcement Order commits 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 **J Taylor** Date 4th April 2017

Chairperson