

Housing and Property Chamber

First-tier Tribunal for Scotland



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

PROPERTY FACTOR ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/PF/19/1168

12 Clairmont Gardens, Glasgow, G3 7LW (“The Property”)

The Parties:-

Mr. John Kennedy residing at 12 Clairmont Gardens, Glasgow, G3 7LW (“the Home-owner”) and

James Gibb Residential Factors, having a place of business at 65, Greendyke Street, Glasgow G1 5PX (“The Factor”)

Tribunal Members

Karen Moore (Legal Member)

Carol Jones (Ordinary Member)

Background

Having determined by Decision issued on 9 July 2019 that the Factor had failed to comply with Section 14 of the Act, the Tribunal determined to issue a Property Factor Enforcement Order (“PFEO”) and having given notice in accordance with Section 19(2)(a) of the Act to which notice no representations were received, Tribunal now makes the following, PFEO:-

No later than 31 August 2019, the Factor must:-

1. Make payment of £500.00 to the Homeowner in compensation for the inconvenience and stress caused to him;
2. Amend its website to explain with greater clarity its process in procuring buildings insurance and, in particular, to make it clear to homeowners that:-
 - (i) The policy is a block policy covering all properties in the Factor’s portfolio;
 - (ii) There is no single premium for the policy and that individual costs are based on a formula of multiplying a rate by reinstatement cost,

- (iii) Properties with a higher claims history attract a higher rate and higher excess;
 - (iv) The individual costs for properties with no claims history are not adversely affected by properties with a claims history and
 - (v) That Insurance Premium Tax must be added and
3. Once amended as above, draw homeowners' attention to the said amendment in its next newsletter (Autumn edition) and exhibit a copy of the newsletter to the Tribunal.

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

Karen Moore

Chairperson

5 August 2019