

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

In an Application under section 17 of the Property Factors (Scotland) Act 2011

By

**James McLaughlin, 38 Brandon House, The Furlongs, Hamilton ML3 0DJ**  
("the Applicant")

**W.M Cumming Turner and Watt, 40 Carlton Place, Glasgow G5 9TS**  
("the Respondent")

**Chamber Ref: FTS/HPC/PF/17/0303**

**Re: 38 Brandon House, The Furlongs, Hamilton ML3 0DJ**  
("the Property")

#### Tribunal Members:

John McHugh (Chairman) and Elizabeth Dickson (Ordinary (Housing) Member).

#### **DECISION**

**The Tribunal has decided to issue a Property Factor Enforcement Order ("PFEO"). The terms of the PFEO are stated below.**

The decision is unanimous.

## **REASONS FOR DECISION**

The Tribunal's Decision and proposed Property Factor Enforcement Order ("PFEO") dated 20 December 2017 were sent to the parties. Parties had the opportunity to make representations to the Tribunal on the terms of the proposed PFEO.

There have been no representations from the Applicants.

We have given consideration to the correspondence received from the Respondent dated 25 January 2018 which consists of an email attaching a revised Written Statement of Services including a revised complaints handling procedure.

We are therefore of the view that the Respondent has complied with paragraph 1 of the proposed PFEO and that making a PFEO in terms of paragraph 1 would, accordingly, be unnecessary. The remainder of the PFEO remains appropriate. We have had regard to our obligations in terms of section 19 of the 2011 Act.

## **PROPERTY FACTOR ENFORCEMENT ORDER**

The Committee hereby makes the following Property Factor Enforcement Order ("PFEO"):

"Within 90 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 Bring its revised complaints procedure to the attention of all of its customers to whom it applies.
- 2 Confirm in writing to the office of the Tribunal that step 1 above has been carried out."

**Failure to comply with a property factor enforcement order may have serious consequences and may constitute 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.

**JOHN M MCHUGH**

**CHAIRMAN**

**DATE: 9 February 2018**