

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**DECISION: Failure to comply (No PFEO) Property Factors (Scotland) Act 2011 Section 19**

**Chamber Ref: FTS/HPC/PF/19/2160**

**7 Abbotsview, Polmont, FK2 0QL  
("the Property")**

**The Parties:-**

**Ms Caroline Grant, 7 Abbotsview, Polmont FK2 0QL  
("the Homeowner")**

**Link Housing Group, Watling House, Callendar Business Park, Callendar Road, Falkirk FK1 1XR  
("the Factor")**

**Tribunal Members:**

**Graham Harding (Legal Member)  
Robert Buchan (Ordinary Member)**

This document should be read in conjunction with the Tribunal's decision of 11 December 2019.

### **Decision**

The Tribunal is of the view that it does not require to make a Property Factor Enforcement Order ("PFEO") in the terms originally proposed by it in its decision dated 11 December 2019 as the Factor has complied in full with the terms of the proposed Order.

The Tribunal's decision is unanimous.

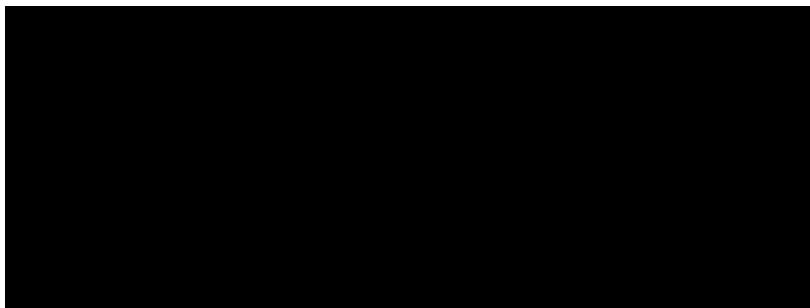
### **Statement of Reasons**

1. By decision issued on 11 December 2019, the Tribunal determined that the Factor had failed to carry out its property factor's duties and was in breach of its duties under Section 1, 2.1 and 2.4 of the Code of Conduct for Property Factors.

2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 12 December 2019 and invited representations within 14 days of the Notice being received by the parties. In terms of the proposed PFEO the Factor was required to make payment to the Homeowner the sum of £980.00 within 30 days of receipt of the order.
3. By email dated on 23 December 2019 the Factor advised the Tribunal that it had complied with the proposed PFEO. The Homeowner has confirmed that she has received payment.
4. Between 28 December 2019 and 11 February 2020, the Homeowner corresponded with the Tribunal to complain about issues unrelated to the terms of the proposed PFEO some of which had been addressed by the Tribunal in its decision and others which were entirely new.
5. In considering further procedure the Tribunal can only determine at this stage whether to issue a PFEO in the terms proposed by it or to determine that such an order is not necessary. That would not prevent the Homeowner from making a further application to the Housing and Property Chamber in the future if she had continuing complaints with the Factor that were not addressed by it.
6. The Tribunal has considered matters and taken account of the correspondence provided by the parties. The Tribunal unanimously agrees that the Factor has complied with the proposed order. The Tribunal certifies that the Factor has complied with the proposed order and therefore does not require to issue a PFEO.

### **Right of Appeal**

7. 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 within 30 days of the date the decision was sent to them.



Legal Member and Chairperson

23 April 2020