

# 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**

**David Byfield, 1 Westfarm Wynd, Cambuslang, South Lanarkshire G72 7RP  
("the Applicant")**

**South Lanarkshire Council, Council Offices, Almada Street, Hamilton ML3 0AA  
("the Respondent")**

**Chamber Ref: FTS/HPC/PF/17/0380**

**Re: 2/2, 1 Richmond Place, Rutherglen, South Lanarkshire G73 3BA  
("the Property")**

**Tribunal Members:**

John McHugh (Chairman) and Carol Jones (Ordinary (Surveyor) Member).

**DECISION**

**The Tribunal decides to issue a Property Factor Enforcement Order.**

The decision is unanimous.

## **REASONS FOR DECISION**

In this decision we refer to the Property Factors (Scotland) Act 2011 as “the 2011 Act” and the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors as “the Code”.

In our decision of 20 February 2018 we found that the Respondent had breached its property factors duties and its duties arising under the Code. We provided the parties with a copy of a proposed Property Factor Enforcement Order ("PFEO") for their comment. The proposed PFEO provided as follows:

*“Within 40 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:*

- 1     *Pay to the Applicant the sum of £150.*
- 2     *Confirm in writing to the office of the Tribunal that step 1 above has been carried out.”*

There have been no representations from the parties on the terms of the proposed PFEO although we have considered and dealt with representations made in the context of an application by the Respondent for review.

In the circumstances, issuing the PFEO in identical terms to the proposed PFEO would appear to be required in terms of section 19(3) of the 2011 Act and we hereby do so.

## **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: 13 April 2018**

