

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

Robin Lovat, 1008 Pollokshaws Road, Glasgow G41 2HG ("the Applicant")

Macfie & Co Management Services Ltd, 5 Cathkinview Road, Glasgow G42 9EA ("the Respondent")

Reference No: FTS/HPC/PF/18/1743

**Re: Property at 1/2, 73 Old Castle Road, Glasgow G44 5TG
("the Property")**

Tribunal Members:

John McHugh (Chairman) and Robert Buchan (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 12 December 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, such payment to be by way of a cheque made payable to the Applicant as opposed to a credit to his account.*
- 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.

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: 23 January 2019