



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

Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(3)

Chamber Ref: FTS/HPC/PF/22/2730

Re: Property at 22 McLennan Street, Mount Florida, Glasgow, G42 9DQ (“the Property”)

Parties:

William McDevitt, 22 McLennan Street, Mount Florida, Glasgow, G42 9DQ (“the Homeowner”)

D&A Scott, 1 Carment Drive, Shawlands, Glasgow, G41 3PP (“the Property Factor”)

Tribunal Member:

**Melanie Barbour (Legal Member)
Helen Barclay (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal’s Decision of 22 March 2023.

Decision

The Tribunal has decided that it should make a PFEO.

The decision of the Tribunal is unanimous.

Reasons for Decision

In the Tribunal’s decision of 22 March 2023, it proposed to make a PFEO as follows:

Within a period of two months from the date of the PFEO the Factor must:

- (1) From their own funds pay the homeowner the sum of £200.00 as compensation

The Tribunal indicated that prior to making a property factor enforcement order, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

The Tribunal's decision was intimated to the parties on 24 March 2023.

Neither party made any written representations in respect of the proposed property factor enforcement order.

The Tribunal considered that it would therefore make the PFEO.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

Within a period of two months from the date of the PFEO the Factor must:

- (1) From their own funds pay the homeowner the sum of £200.00 as compensation

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

Appeals

A homeowner or property factor 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.

Melanie Barbour

Legal Member and Chair

12 April 2023