

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Compliance with the Property Factor Enforcement Order (“PFEO”) dated 25 September 2024

Chamber Ref: HPC/LM/23/3665

1B Duff Street, Aberdeen (“the Property”)

Parties:

Eilidh Morisetti, 1B Duff Street, Aberdeen, (“the Applicant”)

First Port Property Services Ltd, Queensway House, 11 Queensway, New Milton, Hampshire (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member)

David Godfrey (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 25 September 2024 relating to the property has been complied with, certifies that the Respondent has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 25 September 2024, it made a PFEO in the following terms:

- (1) The Tribunal order the Respondent to pay to the Applicant one half of the management fee paid by her for the period 1 October 2022 to 1 October 2023, and
- (2) The Tribunal order the Respondent to pay to the Applicant the sum of £350 for her time, effort, and inconvenience.

All within 28 days of intimation of the PFEO.

On 17 August 2024, the Tribunal issued a written decision with statement of reasons and a proposed PFEO. In response, both parties sent brief emails to the Tribunal confirming that the sum specified in the proposed order had been paid to the Applicant. Neither party made any further representations to the Tribunal

Section 19(3) of the Property Factor (Scotland) Act 2011 states, “If the First-tier Tribunal for Scotland is satisfied, after taking account of any representations made under subsection (2)(b), that the Property Factor has failed to carry out the property factor’s duties or, as the case may be, to comply with the section 14 duty. **The First-tier Tribunal must make a property factor enforcement order.**”

Having considered the submissions lodged by the parties, the Tribunal determined that a PFEO “must” be issued in terms of Section 19(3). The Tribunal also concluded that it should be in the same terms as the proposed PFEO. However, having considered the terms of the emails from the parties the Tribunal is satisfied that the Respondent has already made payment of the sums specified in the order.

In the circumstances, the Tribunal is satisfied that the Respondent has complied with the PFEO and that a certificate to that effect should be issued.

The Tribunal determines that the Respondent has complied with the PFEO.

Appeals

A party aggrieved by a 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.