

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factors (Scotland) Act 2011 Section 19(3)

Reference number: FTS/HPC/PF/19/2223

23 Springfield Terrace, South Queensferry, Edinburgh, EH30 9XF ("the Property")

The Parties:

John Muirhead, 23 Springfield Terrace, South Queensferry, EH30 9XF ("the Homeowner")

Manor Estates Housing Association Ltd, 9 – 11 Washington Lane, Edinburgh, EH11 2HA ("the Property Factor")

Tribunal Members:

Josephine Bonnar (Legal Member)
Elaine Munroe (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal's Decision of 16 September 2020.

Decision

The Tribunal has determined that it should not make a Property Factor Enforcement Order ("PFOE").

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 16 September 2020, it proposed to make a PFOE as follows:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £100 for his time, effort, and inconvenience, within 28 days of intimation of the PFOE.

The Tribunal indicated that prior to making a PFEO, it would provide the parties with the opportunity to make representations under section 19(2)(b) of the Act.

The Tribunal's decision was intimated to the parties. On 2 October 2020, the Property Factor sent an email to the Tribunal regarding the proposed PFEO. The Property Factor stated that a payment had been made to the Homeowner. They attached confirmation that a bank transfer of £100 had been made to the Homeowner's account on 28 September 2020. On 16 October 2020, in response to an enquiry from the Tribunal, the Homeowner confirmed that the payment had been received. No further representations have been received from either party.

The Tribunal notes that the Property Factor has paid the Homeowner the compensation specified by the Tribunal in the proposed PFEO. Neither party has made representations regarding the terms of the proposed PFEO. The Tribunal is therefore satisfied that a PFEO is not required.

Appeals

A homeowner or property factor 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.

Josephine Bonnar, Legal Member:

2 November 2020