

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Decision under Section 17 of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/23/1788

Flat 1 Broomvale Court, 267 Mearns Road, Newton Mearns, Glasgow, G77 5LU ("The Property")

The Parties:-

Mr Jonathan Sammeroff, residing at Flat 1 Broomvale Court, 267 Mearns Road, Newton Mearns, Glasgow, G77 5LU("the Applicant")

Hacking & Paterson Management Services Ltd, a Company incorporated under the Companies Acts (Company Number SC073599) and having their registered office at 1 Newton Terrace, Glasgow, G3 7PL ("the Respondent")

Tribunal Members:

Mr E K Miller (Legal Member)

Mrs E Dickson (Ordinary Member)

NOTICE TO THE PARTIES

1. The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the Code of Conduct for Property Factors, in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Respondent had breached Sections 2.1, 2.6 and 6.12 of the Code as well as OSP1, OSP2 and OSP5 of the Code and (b) had failed in their property factor's duties as defined in Section 17(1)(a) of the Act all as stated in their decision dated 6th February 2025.

2. The Tribunal intimated to the parties, in terms of their said decision dated 6th February 2025, that they proposed to make a Property Factor Enforcement Order('PFEO'), requiring the Respondent to pay the Applicant the sum of £750. The parties were given notice that

they should ensure that any written representations they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and the notice of the proposed PFEO was intimated to them.

3. The Applicant provided written representations in relation to the proposed PFEO, and an application for review. The Respondent did not make any representations.

4. Having considered the Applicant's response to the proposed PFEO, the Tribunal issued a further decision dated 21 May 2025 proposing an amended PFEO with an increased payment of £1000 to be paid by the Respondent to the Applicant. Again the parties were given 14 days to comment. Neither party submitted any comments

5. Section 19(3) of the Property Factors (Scotland) Act 2011 requires the Tribunal to make a PFEO where they have determined that the Factor has failed to carry out Property Factor duties or comply with the Code of Conduct.

6. Consequently, the Tribunal make the following Property Factor Enforcement Order:

"Within 30 days of service of the PFEO on the Respondent, the Respondent shall pay the Applicant the sum of £1000 for the inconvenience caused to the Applicant"

Failure to comply with a PFEO may have serious consequences and constitute an offence.

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.

Signed Chairperson

Date: 1 August 2025