



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

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

Chamber Ref: FTS/HPC/PF/22/2897

Re: Property at 2F Cogan Place, Barrhead, Glasgow G78 1QZ (“the Property”)

Parties:

Mrs Sylvia Ferguson, 2F Cogan Place, Barrhead, Glasgow G78 1QZ (“the Homeowner”)

Lorimer Stevenson, A CoVault, 1 Redwood Crescent, Glasgow G74 5PA (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Mike Scott (Ordinary Member)

DECISION

[1] The Tribunal has decided that it should make a Property Factor Enforcement Order (“PFEO”) in the terms originally proposed by it. The decision of the Tribunal is unanimous.

[2] The Tribunal proposed to make the following PFEO in its notice of proposal dated 27th March 2023:

“Within 28 days of intimation of the PFEO, the Property Factor must make payment to the Homeowner of the sum of £300.00 in compensation, and credit the Homeowner’s account with the sum of £158.50, in respect of the Property Factor’s failure to carry out its property factor duties in terms of section 17(1) of the *Property Factors (Scotland) Act 2011* and its failure to comply with sections 2.1, 2.7, 3.1 and 7.2 of the Code of Conduct for Property Factors as required by section 14(5) of the *Property Factors (Scotland) Act 2011*.”

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

[4] Neither the Homeowner nor the Property Factor made representations under section 19(2)(b) of the Act.

[5] The Tribunal has now confirmed its decision made in terms of section 19(1)(a) of the Act, and it is appropriate that it makes a PFEO.

[6] The Tribunal hereby makes the following PFEO:

“Within 28 days of intimation of the PFEO, the Property Factor must make payment to the Homeowner of the sum of £300.00 in compensation, and credit the Homeowner’s account with the sum of £158.50, in respect of the Property Factor’s failure to carry out its property factor duties in terms of section 17(1) of the *Property Factors (Scotland) Act 2011* and its failure to comply with sections 2.1, 2.7, 3.1 and 7.2 of the Code of Conduct for Property Factors as required by section 14(5) of the *Property Factors (Scotland) Act 2011*. Failure to comply with a PFEO may have serious consequences and may constitute an offence.”

Right of Appeal

In terms of Section 46 of the Tribunal (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.

15/05/2023

Date