



DECISION OF THE TRIBUNAL IN TERMS OF SECTION 19(1) OF THE PROPERTY FACTORS (SCOTLAND) ACT 2011 ("the Act")

Chamber Reference: FTS/HPC/PF/16/1009 and FTS/HPC/PF/17/0322

Re: Property at 12 The Stables, 38 Ferguslie Main Road, Paisley, PA1 2QT ("The Property")

The Parties:-

Mr DP, residing at 12 The Stables, 38 Ferguslie Main Road, Paisley, PA1 2QT ("the Homeowner")

and

Life Property Management Limited, having a place of business at Regent Court, 70 West Regent Street, Glasgow, G2 2QZ ("the Factor")

The Tribunal consisted of:-

Mr Andrew Cowan – Chairperson

Mr Mike Links – Ordinary Member

Decision

The Tribunal has determined not to make a Property Factor Enforcement Order under Section 10(1) of the Act.

Background

1. The Homeowner submitted applications dated 20 November 2016 and 16 August 2017 to the Tribunal in which he averred that the Property Factor had failed to comply with the Code of Conduct for Property Factors.
2. The Tribunal made a Decision in relation to the applications dated 15 March 2019 and issued that Decision to parties on 19 March 2019.
3. In terms of the Decision dated 15 March 2019 the Tribunal issued a draft proposed Property Factor Enforcement Order. That draft order proposed that a PFEO which required the Factor to pay the sum of £250 from their own funds and at no cost to the development Homeowners in order to compensate the Homeowner for the frustration and inconvenience caused as a result of the Factors failure to comply with the Property Factors Code of Conduct.

4. The Property Factor has now confirmed by email dated 9 December 2019 to the Tribunal that they have issued a cheque to the Homeowner in the sum of £250.

5. The Tribunal accordingly consider that the Property Factor has now complied with the terms of the draft Property Factor Enforcement Order in relation to this matter and has therefore complied with the terms of any Property Factor Enforcement Order that the Tribunal would now consider as appropriate.

Appeals

6. **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

Andrew Cowan, Chairperson

Date: 14 January 2020