

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order following a Decision under Section 17 of the Act.

Reference number:

FTS/HPC/PF/23/1193

FTS/HPC/PF/23/1875

together referred to as "the Applications".

Re: Flat 0/2, 453, Tantallon Road, Glasgow, G41 3BX ("the Property")

The Parties:

Mr. Kashif Naeem, residing at 223, Auldhouse Road, Glasgow G43 1DF ("the Homeowner") and

Walker Sandford Property Management, having a place of business at St. George Buidings, St Vincent Place, Glasgow G1 2DH ("the Property Factor")

Tribunal Members

Karen Moore (Chairperson) and Elizabeth Dickson (Ordinary Member)

1. By Decision issued on 20 November 2024 that the Property Factor had failed to comply with the Section 14 duty of the Act in respect of compliance with the Property Factor Code of Conduct 2012 at Section 6.4 of the 2012 Code and had failed to comply with the Property Factor's Duties in respect of Application FTS/HPC/PF/23/1193, and, with regard to Application FTS/HPC/PF/23/1875, had failed to comply with the Property Factor's Duties.

2. The Tribunal proposed to make a Property Factor Enforcement Order and so (PFEO) gave Notice to the Parties in accordance with Section 19(2)(a) of the Act and invited the Parties to make representations no later than 18 December 2024.

3. The Homeowner requested that the Tribunal include a refund of management fees as recommended in the Tribunal's Decision. The Tribunal gave consideration to this and took the view that, as the Tribunal proposed a compensation payment, refund of the management fees should be left to the discretion of the Property Factor.
 4. Accordingly, the Tribunal makes the following PFEO:
 1. No later than 7 March 2025, the Property Factor must at its own cost and expense compensate the Homeowner on behalf of himself and his co-owner with the total sum of £200.00.

and
 2. Evidence to the Tribunal that the payment has been made.

Appeal

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.

Karen Moore,

Chairperson

3 February 2025

