

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) of the Property Factors (Scotland) Act 2011

Chamber Ref:FTS/HPC/PF/24/1260, FTS/HPC/PF/24/2750, FTS/HPC/PF/24/2751 and FTS/HPC/PF/24/2752.

**Flat B, 2 Ferguslea Terrace, Torrance, Glasgow, G64 4BU ('the Property')**

#### The Parties:

**Paul Martin ('the Homeowner')**

**91BC Property Services Limited ('the Factor')**

#### Tribunal members:

**Jacqui Taylor (Legal Member) and Ahsan Khan (Ordinary Member).**

#### **NOTICE TO THE PARTIES**

Whereas in terms of their decision dated 30<sup>th</sup> December 2024, the Tribunal decided that the Factor had failed to comply with section 4.3 of the 2021 Code of Conduct, all as stated in the said decision, The Tribunal propose to make a property factor enforcement order in the following terms:

*One. The Factor must provide the Tribunal with evidence of the date they issued the amended written statement of services that includes the paragraph 'Customer access to 91BC software application' and includes the provision that 'The Company reserves the right to charge a fee for access to customer-facing software application....'.*

*Two. The Factor must repay the Homeowner the late payment charges that were issued before the date of issue of the amended written statement of services.*

*Three. The Factor must pay the Homeowner £75 for the inconvenience he has suffered from their own funds and at no cost to the owners.*

*The said sums to be paid and evidence to be sent to the Tribunal that the payments have been made within 28 days of the communication to the Factor of the Property Factor Enforcement Order.*

**This intimation of the Tribunal's Decision and this Notice to make a Property Factor Enforcement Order to the parties should be taken as notice for the**

**purposes of section 19(2)(a) of the Act and parties are hereby given notice that they should ensure that any written representations which 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 this notice is intimated to them. If no representations are received within that timescale then the Tribunal is likely to proceed to make a Property Factor Enforcement Order (PFEO) without seeking further representations from the parties.**

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

### **Appeals**

**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.**

Jacqui Taylor

Signed

Chairperson Date: 30<sup>th</sup> December 2024