

Housing and Property Chamber

First-tier Tribunal for Scotland



**Property Factor Enforcement Order: Property Factors (Scotland) Act 2011,
section 19.**

Chamber Ref: PF/ 16/0123

The Property:

5d Gillsburn Gardens, Kilmarnock KA3 1DZ

The Parties:-

**Mrs Gillian Jamieson, residing at 16 Mallicot Close, Lichfield, Staffordshire
WS13 6DG** ("the homeowner")

and

**East Ayrshire Council Housing Asset Services, Burnside Street Kilmarnock
KA1 4EX (represented by their agent Ms Julie Nicholson, Solicitor, East
Ayrshire Council, Governance Services – Legal, Council Headquarters,
London Road, Kilmarnock KA3 7BU** ("the factors")

The Tribunal:

David Preston (Chairman); and Andrew Taylor (Surveyor Member).

WHEREAS in its Decision dated 18 January 2017 the tribunal determined: that the factors had failed to comply with the Code of Conduct for Property Factors ("the Code"); and to issue a Property Factor Enforcement Order (PFEO):-

The required Notice of Proposed PFEO under section 19(2) of the Act was given to the parties on 14 February 2017 to allow them to make representations.

No representations were received from either party within the statutory time limit.

Accordingly the tribunal makes the following PFEO:

Within one month from the date of service of this PFEO the factors will:

1. Pay to the homeowner from their own funds the sum of £250 by way of compensation for the time effort and stress caused to the homeowner.

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

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.

D Preston

.....  Chairman

21 June 2017