

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/PF/18/2240

Re: Property at Flat 2/1, 10 Rannoch Street, Glasgow G44 4DG (“the Property”)

Parties:

Mr Iain Begg, residing at 7 Old Rectory Gardens, Wheathampstead, AL4 8AD (“the homeowner”)

and

The Glasgow Housing Association Ltd, (PF Number PF000287) per YourPlace Property Management Ltd, registered under the Companies Act 1985, No SP2572RS and having its Registered Office at Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (“the factors”)

Tribunal Members (“the tribunal”):

David Preston (Legal Member) and Andrew Murray, Surveyor (Ordinary Member).

WHEREAS in its Decision dated 3 July 2019, as amended by its Review Decision dated 23 July 2019 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 4 July 2019 to allow them to make representations.

In response, the factors requested the tribunal to review, which it has done in terms of the Decision dated 18 July 2019 in which it determined not to vary the PFEO in terms of the Notice of Proposed PFEO. The homeowner made no representations in relation to the proposed PFEO.

Accordingly, the tribunal makes the following PFEO:

Within one month from the date of service of this PFEO, the factors will pay to the homeowner from their own funds the sum of SEVEN HUNDRED AND NINETY NINE POUNDS (£799) in terms of section 20(1)(b) of the Act.

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.

David Preston

23 July 2019