

Housing and Property Chamber First-tier Tribunal for Scotland



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

**Property Factor Enforcement Order (PFEО) under Property Factors (Scotland) Act 2011
section (19)**

Chamber Ref: FTS/HPC/PF/19/2593

Property: Flat 3/1, 8 Whitehall Street, Glasgow, G31 2LJ ("The Property")

The Parties:-

Mr Max Withington, residing at 5 Birch Grove View, Newton Mearns, Glasgow, G77 6NJ ("the Homeowner")

and

Apex Property Limited, having a place of business at 46 Eastside, Kirkintilloch, East Dunbartonshire, G66 1QH ("the Property Factor")

Tribunal Members

Mr James Bauld (Legal Member)

Mr Andrew McFarlane (Surveyor, Ordinary Member)

This document should be read in conjunction with the Tribunal's decision of 18 December 2019.

DECISION

The Tribunal has decided it should make a PFEО in the terms originally proposed by it. The decision of the Tribunal is unanimous.

REASONS FOR DECISION

The Tribunal initially heard this case at the hearing which took place on 6 December 2019. After that hearing, the Tribunal issued a decision indicating it proposed to make a PFEО and allowed parties a period of 14 days within which to make representations in terms of the proposed PFEО. All as provided by section 19 (2) (b) of the 2011 Act. The decision of the Tribunal was issued to both parties.

The Tribunal has noted that neither party has made any response to the proposed PFEО and have made no written representations in respect of same.

Accordingly the Tribunal upholds and confirms its original decision dated 18 December 2019 that a Property Factor Enforcement Order should be made and the terms of the order are noted below.

PROPERTY FACTOR ENFORCEMENT ORDER

The Tribunal makes the following Property Factor Enforcement Order:-

1. Within 28 days of communication to the Respondent of the Property Factor Enforcement Order the Respondent must pay to the Applicant the sum of SIX HUNDRED POUNDS (£600.00).
2. The Respondent is also ordered to provide documentary evidence to the Tribunal of their compliance with the above Property Factor Enforcement Order by sending such evidence to the office of the First-tier Tribunal (Housing and Property Chamber) by recorded delivery post.
3. Under section 24 (1) of the Property Factors (Scotland) Act 2011 a person who, without reasonable excuse, fails to comply with the Property Factor Enforcement Order commits an offence.

Review of Tribunal's Decision

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.

Failure to comply with a Property Factor Enforcement Order may have serious consequences and may constitute an offence.

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James Bauld, Chairperson

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Date

