

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/22/4114

Re: Property at 1 Manse Place, Falkirk, FK1 1JN ("the Property")

The Parties:

Mr. William McDonald, residing at 4, Hendry Street, Bainnsford, Falkirk, FK2 7ND, ("the Homeowner")

Your Local Factor Limited, having a place of business at Suite 136 (Orkney), First Floor, Lomond Court, Castle Business Park, Stirling, FK9 4TU ("the Property Factor")

Background

1. Having determined by Decision dated 26 June 2023 that the Property Factor had failed to comply with the Section 14 duty and its property factor's duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order ("PFEO"), the Tribunal gave Notice in accordance with Section 19(2)(a) of the Act of its proposed PFEO and invited the Parties to make representations.

2. Neither Party made representations. Accordingly, the Tribunal makes the following PFEO:

No later than 3 August 2023 the Property Factor must at its own cost and expense

1. Provide the Homeowner and the Tribunal with their procedure for tendering for repairs and maintenance works including their process for appointing contractors to an approved list;

2. Provide the Homeowner with a named property manager or contact for the Property with whom the Homeowner can communicate directly;

3. Compensate the Homeowner in the sum of £250.00 for the inconvenience caused to him by the Property Factor's actions and
4. Credit the Homeowner's common charges account with the sums withheld by him so that the account is not in debit.

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

13 July 2023