

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Decision of the First-tier Tribunal for Scotland Housing and Property Chamber (“the tribunal”) under The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016 in an application under Section 17(1) of the Property Factors (Scotland) Act 2011.**

**Chamber reference:** HOHP/PF/16/0088

**Re:** Flat 5, The Italian Centre, 176 Ingram Street, Glasgow G1 1DN ('the property')

**The Parties:**

**Mr David Harrison, Flat 5, The Italian Centre, 176 Ingram Street, Glasgow G1 1DN and 43 Liffler Road, Plumstead, London, SE18 1AU ('the homeowner')**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ('the property factor').**

**Martin J. McAllister, solicitor, legal member and Mary Lyden, ordinary member.**

**Decision of the tribunal:**

**The Committee, having considered the representations made by the property factor, determined that it did not require to make a property factor enforcement order.**

**The Decision was unanimous.**

**Reasons:**

1. On 24<sup>th</sup> November 2016 the members of the tribunal, who at that time formed a committee of the homeowner housing panel made a determination with a proposed property factor enforcement order.
2. On 1<sup>st</sup> December 2016 the tribunal assumed responsibility for the functions of the homeowner housing panel.
3. The proposed property factor enforcement order was in the following terms:

***The property factor is to pay the sum of £300 to the homeowner in respect of compensation and such compensation is to be credited to the account for service charges that the property factor holds in respect of the homeowner's property. The payment is to be made within twenty eight days of service of the property factor enforcement order.***

4. On 29<sup>th</sup> November 2016 the property factor intimated that it had credited the homeowner's account for service charges with the sum of £300 and it provided a copy of a statement of the account showing the appropriate credit together with a copy of a letter sent to the homeowner intimating that such a credit had been made.
5. No representations were received from the homeowner.
6. The tribunal considered matters and saw no merit in making a property factor enforcement order in the circumstances where the property factor had already paid £300 to the homeowner's service charges account.

A homeowner or property factor aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Martin McAllister

Martin J. McAllister  
Legal Member,  
Housing and Property Chamber  
First-tier Tribunal for Scotland  
11<sup>th</sup> January 2017