

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Property Factor Enforcement Order
Property Factors (Scotland) Act 2011, Section 19(2)**

Chamber Ref: FTS/HPC/PF/17/0207

**Property at 62 Brora Street, Glasgow, G33 2DB
("The Property")**

The Parties: -

Miss Debbie Archibald, residing at the Property ("the Homeowner")

GHA (Management) Limited, t/a Your Place Property Management, Granite House, 177 Trongate, Glasgow, G1 5HF ("the Factor")

Tribunal Members: -

Maurice O'Carroll (Legal Member)
Ahsan Khan (Ordinary Member)

This document should be read in conjunction with the decision and proposed Order of the Tribunal dated 7 November 2017 under the above reference number.

1. By decision dated 7 November 2017, the Tribunal determined that the Factor had breached its duties in terms of s 17(1)(b) of the 2011 Act in that it had failed to comply with sections 2.5, 4.1, 4.9, 6.1 and 7.1 of the Code of Conduct for Property Factors as required by s 14(5) of that Act.
2. On the same date, the Tribunal issued a proposed Property Factor Enforcement Order ("PFEO"). It allowed the parties 14 days to make comment on the terms of the proposed PFEO.
3. No comments having been received from either party, the Tribunal now makes the following Order:

Within 28 days of the communication of the PFEO to the Factor, the Factor must:

- (i) Pay compensation to the Homeowner in the sum of £500 (Five hundred and pounds) in respect of the time, distress, worry and inconvenience occasioned by the Factor's failure to comply with its duties under the Code.

- (ii) Reimburse the management fees (under deduction of the common buildings insurance premium) paid by the Homeowner to the Factor during the period from 1 January to 31 May 2017 in recognition of its failure to comply with its duties under the Code during that period.
- (iii) Amend its Written Statement of Services in relation to its complaints procedures to (a) reflect the timescales within which complaints will be dealt with, by reference to whether they are at Stage 1 or at Stage 2 of the complaints procedure; (b) provide that where further time is required to respond, the homeowner will be so informed upon receipt of the complaint; and (c) provide that where a complaint is to be escalated to a Stage 2 complaint at the instance of the Factor, the homeowner will be so informed.
- (iv) Provide documentary evidence of compliance with the above Orders to the Tribunal within 7 days of having done so.

Failure to comply with a PFEO may have serious consequences and may constitute an offence.

Appeals

- 4. 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 within 30 days of the date the decision was sent to them.

Signed: M O'Carroll
Legal Member

Date 29 November 2017