

Housing and Property Chamber

First-tier Tribunal for Scotland



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

PROPERTY FACTOR ENFORCEMENT ORDER

Notice in terms of Section 19(2) of the Property Factors (Scotland) Act 2011 ("the Act")

Chamber Ref: FTS/HPC/PF/19/1168

12 Clairmont Gardens, Glasgow, G3 7LW ("The Property")

The Parties:-

Mr. John Kennedy residing at 12 Clairmont Gardens, Glasgow, G3 7LW ("the Home-owner") and

James Gibb Residential Factors, having a place of business at 65, Greendyke Street, Glasgow G1 5PX ("The Factor")

Tribunal Members

Karen Moore (Legal Member)

Carol Jones (Ordinary Member)

Background

Having determined by Decision issued on [] July 2019 that the Factor had failed to comply with Section 14 of the Act, the Tribunal determined to issue a Property Factor Enforcement Order ("PFEO") and in accordance with Section 19(2)(a) of the Act gives notice to the parties that should they wish to make representations in relation to the Tribunal's proposed PFEO that they must be lodged with the Tribunal within 14 days of the date of their receipt of this Notice.

PFEO

No later than 31 August 2019, the Factor must:-

1. Make payment of £500.00 to the Homeowner in compensation for the inconvenience and stress caused to him;

2. Amend its website to explain with greater clarity its process in procuring buildings insurance and, in particular, to make it clear to homeowners that:-
 - (i) The policy is a block policy covering all properties in the Factor's portfolio;
 - (ii) There is no single premium for the policy and that individual costs are based on a formula of multiplying a rate by reinstatement cost,
 - (iii) Properties with a higher claims history attract a higher rate and higher excess;
 - (iv) The individual costs for properties with no claims history are not adversely affected by properties with a claims history and
 - (v) That Insurance Premium Tax must be added and
3. Once amended as above, draw homeowners' attention to the said amendment in its next newsletter (Autumn edition) and exhibit a copy of the newsletter to the Tribunal.

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

9 July 2019