

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Notice in terms of Section 19(2) of the Property Factors (Scotland) Act 2011 ("the Act") of a Proposed Property Factor Enforcement Order following a Decision under Section 17 of the Act.

Reference number: FTS/HPC/PF/20/1377

Re: Property at Flat 1/9, 240, Wallace Street, Glasgow, G5 8AS ("the Property")

The Parties:

Dr. Mohsan Mallick having an address at 25, Ettrick Drive, Glasgow G61 4RB ("the Homeowner") per his representative, Mr Farid Mallick, residing at 25, Ettrick Drive, Glasgow G61 4RB ("the Homeowner's Representative")

MXM Property Solutions Limited care of TLT LLP, solicitors, 140 West George Street, Glasgow, G2 2HG ("the Property Factor")

Tribunal Members

Karen Moore (Chairperson)

Ahsan Khan (Ordinary Member)

Having determined by Decision dated 30 April 2021 that the Property Factor had failed to comply with Section 14 of the Act in respect of compliance with the Property Factor Code of Conduct ("the Code") and had failed to comply with its Property Factor Duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order ("PFEO"), the Tribunal hereby gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposes the following, PFEO:-

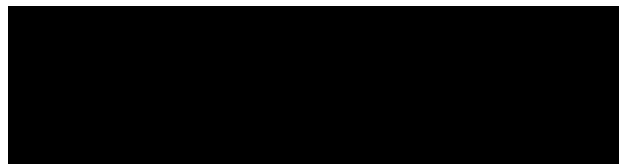
"By [a date no earlier than three weeks of the date of the PFEO], the Property Factor must at its own cost and expense

- (i) *refund to the Homeowner the sum of £9,869.13 which he was wrongly induced to pay and*
- (ii) *compensate the Homeowner in the sum of £5,000.00 for the distress, inconvenience and stress caused to him by the Property Factor's actions."*

In terms of Section 19(2)(b) of the Act, the Tribunal allows the Parties until close of business on Friday 21 May 2021 to make written representations in respect of the proposed PFEO.

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

30 April 2021