

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**DECISION: Failure to comply (No PFEO) Property Factors (Scotland) Act 2011 Section 19**

**Chamber Ref: FTS/HPC/PF/18/1922**

**Flat 1/1 10 Andrews Street, Paisley PA3 2EP  
("The Property")**

**The Parties:-**

**Mr Dave Sinclair, Flat 1/1 10 Andrews Street, Paisley PA3 2EP  
("the Homeowner")**

**Link Group Limited, Watling House, Callendar Business Park, Falkirk  
FK1 1XR  
("the Factor")**

**Tribunal Members**

**Graham Harding (Legal Member)  
Carol Jones (Ordinary Member)**

This document should be read in conjunction with the Tribunal's decision of 14 November 2018.

### **Decision**

The Tribunal is of the view that it does not require to make a Property Factor Enforcement Order ("PFEO") in the terms originally proposed by it in its decision dated 14 November 2018 as the Factor has complied in full with the terms of the proposed Order.

The Tribunal's decision is unanimous.

### **Statement of Reasons**

1. By decision issued on 14 November 2018, the Tribunal determined that the Factor had failed to carry out its property factor's duties.
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 14 November 2018 and invited representations within 14 days of the Notice being received by the parties. In terms of the proposed PFEO the Factor was required to make payment to the Homeowner the sum of

£700.00 within 30 days of receipt of the order and confirm to the Tribunal that this had been done within a further 7 days.

3. By email received on 28 November 2018 the Factor requested the Tribunal review its decision and proposed PFEO.
4. The Tribunal considered the Factor's request for a review and by its decision dated 10 December 2018 unanimously refused the request.
5. By email received on 20 December 2018 the Factor advised the Tribunal that the terms of the proposed PFEO had been complied with and provided confirmation to that effect from the Homeowner.
6. The Tribunal has considered matters and taken account of the documentary evidence provided by the Factor. The Tribunal unanimously agrees that the Factor has complied with the proposed order. The Tribunal certifies that the Factor has complied with the proposed order and therefore does not require to issue a PFEO.

#### **Right of Appeal**

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

G Harding

Legal Member and Chairperson

16 January 2019