

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(3)

103 Linksfield Court, Aberdeen, AB24 1GU (“the Property”)

Parties:

Federico Garcia Lopez de la Torre, 103 Linksfield Court, Aberdeen, AB24 1GU (“the Homeowner”)

Aberdeen City Council, Marischal College, Business Hub 6, First Floor South, Aberdeen, AB10 1 AB (“the Property Factor”)

Tribunal Members:

**Josephine Bonnar (Legal Member)
Elizabeth Dickson (Ordinary Member)**

This order should be read in conjunction with: -

The Tribunal’s decision with statement of reasons dated 14 March 2024.

Decision

The Tribunal has decided that it should make a PFEO in amended terms.

The decision of the Tribunal is unanimous.

Reasons for decision

On 23 October 2023, following a decision by the Upper Tribunal on 8 September 2023, to uphold some additional complaints, the Tribunal proposed to make a PFEO in the following terms:-

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £700 for his time, effort, and inconvenience, within 28 days of intimation of the PFEO.

The Tribunal indicated that prior to making a PFEO, it would provide the parties with the opportunity to make representations under section 19(2)(b) of the Act. Reference is made to the decision with statement of reasons dated 14 March 2024.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £1200 for his time, effort, and inconvenience,

All within 28 days of intimation of the PFEO.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

Appeals

A homeowner or property factor aggrieved by a 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.

Josephine Bonnar, Legal Member

14 March 2024