



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

Decision in relation to Property Factors Enforcement Order (PFEO) under Section 19 of the Property Factors (Scotland) Act 2011 (Act)

Chamber Ref: FTS/HPC/PF/23/2738

Re: Property at Flat 0/2, 4 Lochend Path, Easterhouse, Glasgow, G34 0NN (“the Property”)

Parties:

George Smith, residing at Worlds End, Cottage, Church Street, Whitby, YO22 4AE, the Trustee and Executor of the late Helen Smith, latterly of Flat 0/2, 4 Lochend Path, Easterhouse, Glasgow, G34 0NN (“the Homeowner”)

Lowther Homes, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL (“the Property Factor”)

Tribunal Member:

**Melanie Barbour (Legal Member)
Mary Lyden (Ordinary Member)**

Decision

The First-Tier Tribunal for Scotland (Housing and Property Chamber) (Tribunal) having determined that the Property Factor has complied with the terms of the proposed Property Factors Enforcement Order (PFEO) dated 4 June 2024, hereby determined that it did not require to make a PFEO.

Reasons for the Decision

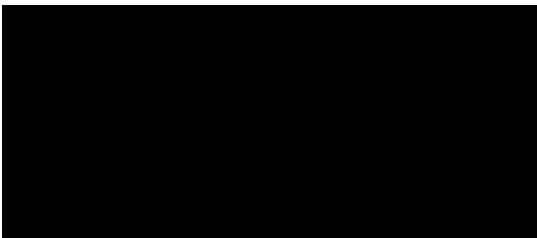
1. In the Tribunal’s decision of 4 June 2024, The First-tier Tribunal advised that it proposed to make the following Property Factor Enforcement Order (“PFEO”) : *Within a period of one month from the date of the PFEO the Factor must: From their own funds pay the homeowner the sum of £500.00 as compensation.*



2. By email of 17 June 2024, the Property Factor wrote in the following terms *“Lowther Homes emailed the Homeowner to request his bank details on Tuesday 11th June 2024. The Homeowner provided these details the following day, and the payment for the sum of £500.00 was processed on Thursday 13th June 2024 to the Homeowner”*.
3. There has been no response from the Homeowner about the proposed terms of the PFEO or the payment of compensation from the Property Factor.
4. As it appears that the Property Factor has complied with the terms of the PFEO before it was made; and as there was no response from the Homeowner to the proposed terms of the PFEO; we consider therefore that there is no reason to proceed to make a PFEO, as the proposed remedy has already been satisfied.

Appeals

A Homeowner or Property Factor 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.



Melanie Barbour Legal Member and Chair

3 July 2024 Date