

Housing and Property Chamber First-tier Tribunal for Scotland



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

Decision and Certificate of Compliance with Property Factors Enforcement Order (PFEO) under Section 20 of the Property Factors (Scotland) Act 2011 (Act)

Chamber Ref: FTS/HPC/PF/22/2635

Re: Property at B/1, 46 Bentinck Street, Glasgow, G3 7TT (“the Property”)

The Parties: -

Emily Raine, B/1, formerly at 46 Bentinck Street, Glasgow, G3 7TT and now at 345 North Woodside Road, Glasgow, G20 6ND (“the Homeowner”)

Hacking and Paterson, 1 Newton Terrace, Glasgow, G3 7PL (“the Property Factor”)

The Tribunal: -

Melanie Barbour (Legal Member)

Helen Barclay (Ordinary Member)

Decision

The First-Tier Tribunal for Scotland (Housing and Property Chamber) (Tribunal) finds that the Property Factor has complied with the Property Factors Enforcement Order (PFEO) dated 2 August 2024.

Reasons for the Decision

1. In the Tribunal’s decision of 2 August 2024, The First-tier Tribunal advised that it would made the following Property Factor Enforcement Order ("PFEO")

Within a period of one month from the date of the PFEO the Factor must:

1. *Pay compensation to the Homeowner of £1,270.00.*
2. *Contact the owners in the tenement building 44-50 Bentinck Street, Glasgow to advise the owners as follows:-*
 - (1) *that the Factor had been requested by a Homeowner to undertake an assessment as to the appropriate liability share for each property within the tenement, this was to include the appropriate percentage liability for common insurance, which assessments were to be carried out in accordance with the provisions of Schedule 1 of the Tenement (Scotland) Act 2004.*
 - (2) *That the Homeowner had made the request because the title deeds are deficient and the default provisions in the Tenement (Scotland) Act 2004 therefore apply.*
 - (3) *That the default scheme rules are that*
 - (i) *in any case where the floor area of the largest (or larger) flat is more than one and a half times that of the smallest (or smaller) flat, each owner is liable to contribute towards those costs in the proportion which the floor area of that owner's flat bears to the total floor area of all (or both) the flats,*
 - (ii) *in any other case, those costs are shared equally among the flats,*

and each owner is liable accordingly.
 - (4) *That the owners should consider if they want to instruct the Factor to carry out work to implement the default scheme rules for liability of maintenance and repair.*
3. *Provide to the Tribunal written confirmation that the PFEO has been complied with.*

2. By email of 17 September 2024, the Homeowner confirmed that Part 1 of the PFEO had been complied with.
3. By email of 30 August 2024, the Property Factor confirmed that Parts 1 and 2 of the PFEO had been complied with. They provided evidence of compliance with Part 2. They have also complied with Part 3.
4. Accordingly, the Property Factor has complied with the terms of the PFEO.



Melanie Barbour

Legal Member and Chair

Date 18 October 2024