

# Housing and Property Chamber First-tier Tribunal for Scotland



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under Section 17 of the Property Factors (Scotland) Act 2011 by**

**Case reference: FTS/HPC/PF/18/3226**

**Re:- Flat 2/2, 26 Battlefield Avenue, Glasgow G42 9RJ**

**The Parties:-**

**Ms Sarah Hepworth, residing at Flat 2/2, 26 Battlefield Avenue, Glasgow G42 9RJ ('the homeowner');**

**and**

**W M Cumming, Turner & Watt, Property Managers, 40 Carlton Place, Glasgow G5 9ST ('the respondent')**

**Tribunal Members:**

**Richard Mill (legal member) and Elaine Munroe (ordinary member)**

## **Decision**

The Tribunal hereby determines that the Property Factor Enforcement Order has been complied with. The decision is unanimous.

## **Reasons for Decision**

The Tribunal issued a Property Factor Enforcement Order ("PFEO") dated 1 April 2019 in the following terms:-

"Within 14 days of this Decision being issued to the parties, the respondent must:-

1. Make payment to the homeowner the sum of £100 in recognition of the anxiety, stress and inconvenience caused to her as a result of the respondent's failings.

2. Cancel all outstanding charges on the homeowner's account to bring the balance to zero as at the current date and thereafter ensure all future invoices issued to the homeowner contains full detail of all charges made against her account.

The respondent is required to produce vouched evidence to the Tribunal of having complied with items 1 and 2 above within 21 days”

In terms of Section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.

The homeowner sent an email to the Tribunal on 15 April 2019 confirming that a cheque in the sum of £100 had been sent to her, together with the production of a quarterly statement which highlights that historical arrears have been eliminated from her account. The actions taken by the Respondent in this regard are in compliance with the PFEO.

The Tribunal was also sent a letter dated 13 May 2019 from the respondent attaching a letter issued to the homeowner dated 10 May 2019 with an apology letter.

Compliance letters were issued to both parties. The homeowner did not provide any further information. The respondent confirmed that the PFEO has been complied with and on the basis of the evidence which the Tribunal has seen this is the case.

## **Appeals**

**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.**

Legal Member  
Richard Mill

Date 27 May 2019