

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate

of Compliance with Property Factor Enforcement Order dated 24 August 2022 in terms of Section 19(3) of the Property Factors (Scotland) Act 2011.

Chamber Ref: FTS/HPC/PF/22/1654 and FTS/HPC/PF/22/1655

Property: 61 Kelvin Court, Great Western Road, Glasgow G12 0AG (“the Property”)

The Parties:-

Mrs Lesley MacKiggan, 61 Kelvin Court, Great Western Road, Glasgow G12 0AG (“the homeowner”)

Newton Property Management Limited, registered in Scotland under the Companies’ Acts (SC224378) and having their registered office at 87 Port Dundas Road, Glasgow G4 0HF (“the property factors”)

Tribunal Members:

George Clark (Legal Member/Chairman) and Mike Links (Ordinary Member)

Decision of the Tribunal

The Tribunal determined that the property factors have complied with the terms of the Property Factor Enforcement Order made on 5 April 2023.

Reasons for Decision

Following a Hearing on 20 December 2022, the Tribunal notified the Parties that it intended to make a Property Factor Enforcement Order (“PFEO”) requiring the property factors to pay to the homeowner the sum of £500 by way of compensation for inconvenience and distress in respect of their failure to comply with Section 2.7 of the Property Factors Code of Conduct effective from 16 August 2021 and failure to comply with the Property Factor’s duties. The PFEO was made on 5 April 2023 and sent to the Parties.

On 29 April 2023, the homeowner told the Tribunal that the compensation payment of £500 had been paid into her bank account.

The Tribunal decided, therefore, that the property factors have complied with the PFEO.

The Tribunal's Decision was unanimous.

Right of Appeal

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.

Signed  Dated: 4 May 2023

Chairperson