

Housing and Property Chamber First-tier Tribunal for Scotland



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

Reference number: FTS/HPC/PF/21/1798

Re: 2/1,287 Onslow Drive, Dennistoun, Glasgow, G31 2QG (“the Property”)

The Parties:

Ms Clare Darlaston, 2/1,287 Onslow Drive, Dennistoun, Glasgow, G31 2QG (“the Applicant”)

James Gibb Property Management Ltd, 65 Greendyke Street, Glasgow, G1 5PX (“the Respondent”)

Tribunal Members:

Martin J. McAllister, Solicitor, (Legal Member)

**Elizabeth Dickson, (Ordinary Member)
(the “tribunal”)**

This document should be read in conjunction with the decision of the Tribunal dated 23rd November 2022.

Decision

The tribunal decided to make a property factor enforcement order (“PFEO”) in the terms originally proposed by it.

Reasons

1. In the decision of 23rd November 2022 which was served on the parties on 24th November 2022, the tribunal proposed to make a PFEO as follows: **“The property factor will make a payment of £200 to the Applicant by way of compensation for a breach of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors. The payment will be made within twenty eight days of service of the property factor enforcement order.”**

2. The tribunal indicated that, prior to making a property factor enforcement order, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the 2011 Act.
3. Neither party made representations upon receipt of the tribunal's decision and proposed PFEO.
4. The tribunal saw no reason to depart from the terms of the propose PFEO and determined that the PFEO should be made in the following terms:

The property factor will make a payment of £200 to the Applicant by way of compensation for a breach of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors. The payment will be made within twenty eight days of service of the property factor enforcement order.

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.

Martin J. McAllister, Legal Member
16th January 2023