

Housing and Property Chamber First-tier Tribunal for Scotland



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

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

Chamber Ref: FTS/HPC/PF/18/1789 AND FTS/HPC/PF/18/1791

**Flat 2/1 6 Ratho Drive, Springburn, Glasgow G21 1NA and Flat 1/2, 14 Memel
Street, Springburn, Glasgow G21 1LL
 (“the Property”)**

The Parties:-

**Ms Fiona Taylor, 57F Drumbathie Mansions, Drumbathie Road, Airdrie ML6 6EW
 (“the Homeowner”)**

**James Gibb Residential Factors, 65 Greenbank Street, Glasgow G1 5PX
 (“the Factor”)**

Tribunal Members:

Graham Harding (Legal Member)

Mary Lyden (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision issued on 10 January 2019

Decision

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it.

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal’s decision issued on 10 January 2019, it proposed to make a PFEO as follows:

Within 30 days of intimation of the PFEO the Factor must:

- (1) credit the Homeowner’s account with the Factor with the sum of £203.03 being reimbursement of all late payment fees and charges contained in the Homeowners application to the Tribunal dated 19 July 2018 and provide documentary evidence of same to the Tribunal.

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 Act.

The Tribunal's decision was intimated to the parties on 10 January 2019

The homeowner by application dated 15 January 2019 sought permission to appeal the Tribunal's decision. By decision dated 29 January 2019 the Homeowners application was refused by the Tribunal.

No further representations were received.

The Tribunal therefore confirms its decision in terms of Section 19(1) (a) of the 2011 Act without any amendment.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

Within 30 days of intimation of the PFEO the Factor must:

(1) credit the Homeowner's account with the Factor with the sum of £203.03 being reimbursement of all late payment fees and charges contained in the Homeowners application to the Tribunal dated 19 July 2018 and provide documentary evidence of same to the Tribunal.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

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.

Graham Harding  Legal Member and Chair

19 March 2019 Date