

Housing and Property Chamber First-tier Tribunal for Scotland



PROPERTY FACTOR ENFORCEMENT ORDER

Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011

Chamber Ref:FTS/HPC/PF/18/0185

Flat 2/01, Anchor Mill, 7 Thread Street, Paisley, PA1 1JR ('the Property')

The Parties:

Dr John-Paul O'Sullivan, Flat 2/01, Anchor Mill, 7 Thread Street, Paisley, PA1 1JR ('the Homeowner')

Ross and Liddell, 60 St Enoch Square, Glasgow, G1 4AW ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Elizabeth Dickson (Ordinary Member).

NOTICE TO THE PARTIES

The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the property factor's duties in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with sections 2.1, 3.3, 4.5, 4.6 and 4.7 of the Code of Conduct, all as stated in their decision dated 27th August 2018.

The Tribunal intimated to the parties, in terms of their said decision dated 27th August 2018, that they proposed to make a Property Factor Enforcement Order.

The parties made no representations on the terms of the proposed Property Factor Enforcement Order.

In terms of section 19(3) of the Property Factors (Scotland) Act 2011 if the Tribunal are satisfied that the Factor has failed to carry out the property factors' duties or, as the case may be, to comply with the section 14 duty, the Tribunal **must** make a property factor enforcement order. Consequently, the Tribunal make the following Property Factor Enforcement Order:

'Ross & Liddell Limited are directed to pay the Homeowner £300 as compensation from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to them of the Property Factor Enforcement Order. Ross & Liddell Limited

are directed to provide the Tribunal with evidence that the said sums have been paid within seven days of the payment being remitted to the Homeowner'

Failure to comply with a PFEO may have serious consequences and constitute an offence.

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.

Signed

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Chairperson Date: 21st September 2018