

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### 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/18/1952; FTS/HPC/PF/18/2008; FTS/HPC/PF/18/2009;  
FTS/HPC/PF/18/2010 and FTS/HPC/PF/18/2011

6 Circus Drive, Glasgow, G31 2JH ('the Property')

#### The Parties:

David Niven, residing at Flat 2/1, 6 Circus Drive, Glasgow, G31 2JH; Rhona McColm, residing at Flat 1/1, 6 Circus Drive, Glasgow, G31 2JH; Steve Hollingsworth, residing at Flat 1/2, 6 Circus Drive, Glasgow, G31 2JH; Gil Shaw, residing at Flat 0/2, 6 Circus Drive, Glasgow, G31 2JH and Marie Taylor, residing at Flat 2/2, 6 Circus Drive, Glasgow, G31 2JH ('The Homeowners')

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

#### Tribunal members:

Jacqui Taylor (Chairperson) and Andrew Taylor (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 of the Code of Conduct, all as stated in their decision dated 7<sup>th</sup> January 2019.

The Tribunal intimated to the parties, in terms of their said decision dated 7<sup>th</sup> January 2019, that they proposed to make a Property Factor Enforcement Order.

The Homeowners applied to the Tribunal for a review of the said Decision. The Tribunal considered the application for review and in terms of their decision dated 6<sup>th</sup> March 2019 the Tribunal refused the application. The parties made no further 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 (1) each of the Homeowners Rhona McColm; Steve Hollingsworth; Gil Shaw and Marie Taylor the sum of £150 and (2) the Homeowner David Niven the sum of £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 Homeowners'*

**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 ...

Chairperson Date: 10<sup>th</sup> March 2019