

# Housing and Property Chamber First-tier Tribunal for Scotland

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

### Proposed Property Factor Enforcement Order following a Decision under Section 17 of the Act.

#### Reference numbers:

FTS/HPC/PF/22/0234

FTS/HPC/PF/22/0793

FTS/HPC/PF/22/0795

**Re:** Property at 3 Queens Court, Perth, PH2 0ES (“the Property”)

#### The Parties:

Mrs. Kathleen Pringle residing at the Property (“the Homeowner”) per her representative, Mr William Pringle also residing at the Property (“the Homeowner’s Representative”)

Abbey Forth Property Management Limited having an office sometime at Balcairn, Viewfield Terrace, Dunfermline KY12 7HY and now Laich House, 5, Castle Court, Carnegie Campus, Dunfermline KY11 8PB (“the Property Factor”)

#### Tribunal Members

Karen Moore (Chairperson) and Kingsley Bruce (Ordinary Member)

#### Background

1. Having determined by Decision dated 4 July 2022 that the Property Factor had failed to comply with the Section 14 duty and its Property Factor’s Duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEO”), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following PFEO and invites the Parties to make representations no later than 18 July 2022:-

Proposed PFEO:

No later than [ 3 weeks from date of PFEO] the Property Factor must at its own cost and expense

1. Provide the Homeowner and the Tribunal with the following documents and information:
  - i) The draft Minutes of owners' meeting of 6 April 2021;
  - ii) All information, correspondence and documentation in respect of the work carried to the gate and the tree felling which work was contemplated or instructed in 2021;
  - iii) All information, correspondence and documentation in respect of the reserve funds/levy of £1,000 per property, including the total of the fund and the expenditure from it, redacted, if necessary, in respect of personal data;
  - iv) All information, correspondence and documentation in respect of the bank accounts or trading accounts which held funds for the Homeowner;
  - v) Detailed explanations of the factoring quarterly statement issued in September 2021 and the final invoice issued in November 2021 to include a breakdown of the sums brought forward;
  - vi) All information, correspondence and documentation relating to the transfer of business to James Gibb Limited, redacted, if necessary, in respect of personal data and commercially sensitive information not related to the Homeowner or the Queens Court development of which the Property forms part and
2. Compensate the Homeowner in the sum of £500.00 for the distress, inconvenience and stress caused to her by the Property Factor's actions and
3. Reimburse the Homeowner the sum of £250.00 being the sum paid by the Homeowner towards the project levy or reserve fund.

#### Appeal

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

Karen Moore,

Chairperson

4 July 2022

