

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 Reference: FTS/HPC/PF/21/1755

Property address: Drumlea Estate, 6 School Lane, Drumoak, AB31 5EA (“the House”)

The Parties

Mr Gerard Buda, 6 School Lane, Drumoak, AB31 5EA (“the Homeowner)

James Gibb, Bellahouston Business Centre, 423 Paisley Road West, Glasgow, G51 1PZ (“the Property Factor”)

Decision

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

Reasons for Decision

1. In the Tribunal’s decision of 9th February 2022, it proposed to make a PFEO as follows:

“The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £500 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor’s failure to comply with the Code of Conduct for Property Factors.”
2. The Tribunal indicated that, prior to making a PFEO, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.
3. Neither party made representations on the terms of the PFEO.
4. By email dated 10th February 2022, the Property Factor informed the Housing and Property Chamber that payment had been made to the Homeowner in terms of the proposed PFEO.

5. By email dated 1st March 2022, the Homeowner confirmed that payment had been made.
6. The Tribunal has now confirmed its decision made in terms of Section 19(1)(a) of the Act.

Property Factor Enforcement Order

7. The First-tier Tribunal hereby makes the following PFEO:

The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £500 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor's failure to comply with the Code of Conduct for Property Factors.

8. As the PFEO has already been complied with, no further action is required by the Property Factor.

Right of 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.

Legal Member and Chairperson

7th March 2021