

Housing and Property Chamber First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland Housing and Property Chamber issued under Section 19(1) of the Property Factors (Scotland) Act 2011 (“the Act”) and The First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016, in an application made to the Tribunal under Section 17 of the Act

Chamber reference: FTS/HPC/PF/17/0338

The Property: 18 Almondvale Lane, Livingston EH54 6GL (“the property”)

The Parties:

Mrs Elizabeth Boyers, residing at 18 Almondvale Lane, Livingston EH54 6GL (“the homeowner”)

Park Property Management Limited, incorporated under the Companies Acts (SC413993) and having a place of business at 11 Somerset Place, Glasgow G3 7JT (“the property factors”)

Tribunal Members – George Clark (Legal Member) and Helen Barclay (Ordinary Member)

Decision by the Housing and Property Chamber of the First-tier Tribunal for Scotland in an application under section 17 of the Property Factors (Scotland) Act 2011 (“the Act”)

On 9 November 2017, the Tribunal determined that the property factors had failed to comply with their duties under Section 14 of the Property Factors (Scotland) Act 2011 (“the Act”) in that they had failed to comply with Sections 1.1a.A and 2.1 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors (“the Code of Conduct”).

The Statement of Decision containing the determination of the Tribunal stated that the Tribunal proposed making a Property Factor Enforcement Order in respect of the failure by the property factors to comply with their duties under Section 14 of the Act and the terms of the proposed Order were set out in a Notice under Section 19(2)(a) of the Act, issued with the Statement of Decision.

The Statement of Decision was issued to the parties. The parties were given 14 days to make any written representations and had a period of 30 days from the date on which the Decision was sent to them within which to appeal to the Upper Tier Tribunal for Scotland on a point of law.

Neither party made any written representations to the Tribunal within the 14 day period and neither party appealed the Decision.

Accordingly, the Tribunal determined to make the Property Factor Enforcement Order in the terms set out in the Section 19(2)(a) Notice.

The Decision is unanimous.

G Clark

George Clark

Legal Member/Chair

22 March 2018