

Housing and Property Chamber First-tier Tribunal for Scotland



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

Notice of Revocation:

Property Factors (Scotland) Act 2011 Section 21(1)(b)

Case reference : FTS/HPC/PF/18/2024

Re: Property at 8a Davidson Drive, Gourock PA16 1QD (“the Property”)

The Parties :

Margaret Hughes, 8a Davidson Drive, Gourock PA16 1QD (“Applicant”)

River Clyde Homes, Roxburgh House, 102 – 112 Roxburgh Street, Greenock, Inverclyde PA15 4JT (“the Respondents”)

Tribunal Members:-

David Bartos (Legal Member and Chair)
Elizabeth Dickson (Ordinary Member)

Decision

The Tribunal has decided to revoke the Property Factor Enforcement Order relating to the Property dated 4 March 2019.

The decision of the Tribunal is unanimous.

Reasons

1. In the Tribunal’s decision of 15 January 2019 it proposed to make a property factor enforcement order (“PFEO”) as follows:

The Respondents shall, by no later than 12 February 2019 pay to the Applicant the sum of one hundred pounds Sterling (£ 100.00).

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 on the terms of the proposed PFEO under section 19(2)(b) of the Act. No such representations were received.
3. Instead on 4 February 2019 the Tribunal received an e-mail from the Respondents. The e-mail attached a copy letter of the same date to the Applicant which purported to enclose a cheque in terms of the proposed PFEO. On 19 February 2019 the Tribunal received a letter from the Applicant dated 13 February which confirmed receipt of the cheque.
4. The Tribunal took the view that while section 19(3) of the 2011 Act required it to make the PFEO, given that payment as required by the PFEO had already been made it was no longer necessary. It therefore exercised its discretion under section 21(1)(b) of the 2011 Act to revoke that PFEO and bring proceedings to an end.

Appeals

A homeowner or property factor 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.

David Bartos

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Legal Member and Chairperson

4 March 2019 _____ Date