

Housing and Property Chamber First-tier Tribunal for Scotland



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

Decision: Property Factors (Scotland) Act 2011 as amended by The First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Committees) Regulations 2016 (the 2011 Act): Section 19(1) (a)

100 and 102 The Auld Road, Cumbernauld Village, Glasgow, G67 2RH.

Chamber Ref: HOHP/PF/16/0047

The Parties:-

**Mr Manish Khanna,
2 Dullatur Road,
Dullatur,
Cumbernauld,
G68 0AF
("the homeowner")**

**Sanctuary Cumbernauld,
(a trading name of Cumbernauld Housing Partnership),
Floor 8, Fleming House,
2 Tryst Road,
Cumbernauld,
Glasgow,
G67 1JW
("the property factor")**

Members of the tribunal:

Martin J. McAllister, legal member and Carol Jones, surveyor, ordinary member.

Background:

On 30th March 2017 the tribunal intimated a proposed property factor enforcement order to the parties. It was in the following terms:

The property factor is to pay the sum of £600 in compensation to the homeowner. The property factor is to make such a payment within twenty eight days of service upon it of the property factor enforcement order.

On 18th April 2017 the property factor intimated to the tribunal that it had made a payment of £600 to the homeowner. Despite approaches to the homeowner the tribunal did not receive his confirmation that he had received the payment.

Deliberations and Decision.

The tribunal considered matters and the fact that the property factor had stated that payment of £600 had been made. Notwithstanding the lack of response from the homeowner, the tribunal determined that it was reasonable to accept the representation of the property factor in this regard. It therefore considered that there was not any purpose to be served in making the property factor enforcement order.

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.

Martin J. McAllister, Legal member
2nd June 2017