

Housing and Property Chamber

First-tier Tribunal for Scotland



**DECISION: Failure to comply (No PFEO) Property Factors (Scotland) Act 2011
Section 19**

Chamber Ref: FTS/HPC/PF/18/2966

The Property:

3/1, 96 Shuna Crescent, Glasgow G20 9QS

The Parties: –

Ms Nicola Watt, residing at the property. (“the homeowner”)

and

Queens Cross Factoring, 45, Firhill Road, Glasgow G20 7BE (“the factors”)

Tribunal Members:

David Preston (Legal Member) and Carol Jones, Surveyor (Ordinary Member) (“the tribunal”).

This document should be read in conjunction with the tribunal’s Decision dated 13 March 2019.

The tribunal is of the view that it does not require to make a Property Factor Enforcement Order (“PFEO”) in the terms originally proposed by it in its decision dated 13 March 2019 as the Factor has complied in full with the terms of the proposed Order.:

Statement of Reasons

1. By its Decision dated 13 March 2019, the Tribunal determined that the Factor had breached Sections 2.1 and 5.4 of the Code of Conduct for Property Factors.
2. On 13 March 2019 the tribunal issued a Notice of Proposed PFEO together with the decision and invited representations from the parties. In terms of the proposed PFEO the Factor was required to make payment to the homeowner the sum of £250 together with the amount of the insurance excess which had been paid by the homeowner.

3. By letter dated 26 March 2019 the factors' agent advised that the total sum of £350 had been paid to the homeowner.
4. By email dated 10 April 2019 the homeowner confirmed that £350 had been received from the factors.
5. The tribunal has considered matters and taken account of the correspondence and agrees that the factors have complied with the terms of the proposed order and therefore does not require to issue a PFEO.

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 within 30 days of the date the decision was sent to them.

David Preston

..... Chairman

17 April 2019