

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate of Compliance with Property Factor Enforcement Order dated 24 August 2022 in terms of Section 19(3) of the Property Factors (Scotland) Act 2011.

Chamber Ref: FTS/HPC/PF/23/1956

Property: 8 Sanderling, Lesmahagow, Lanarkshire ML11 0GX (“the Property”)

The Parties:-

Mr Archie Palmer, 8 Sanderling, Lesmahagow, Lanarkshire ML11 0GX (“the homeowner”)

Lorimer Stevenson Limited, registered in Scotland under the Companies’ Acts (SC641225), having their registered office at c/o William Duncan & Co, 44 Bank Street, Kilmarnock KA1 1HA and having a place of business at CoVault, 1 Redwood Crescent, East Kilbride G74 5PA (“the property factors”)

Tribunal Members:

George Clark (Legal Member/Chairman) and Elizabeth Dickson (Ordinary Member)

Decision of the Tribunal

The Tribunal determined that the property factors have complied with the terms of the Property Factor Enforcement Order made on 10 November 2023.

Reasons for Decision

Following a Hearing on 18 September 2023, the Tribunal notified the Parties that it intended to make a Property Factor Enforcement Order (“PFEO”) requiring the property factors to pay to the homeowner the sum of £250 by way of compensation for inconvenience and distress in respect of their failure to comply with OSP11 and Sections 2.4, 2.7 and 5.3 of the Property Factors Code of Conduct effective from 16 August 2021 and had failed to carry out the property factor’s duties. The PFEO was made on 10 November 2023 and sent to the Parties.

On 13 November 2023, the homeowner told the Tribunal that the matter had been resolved and the Respondent had complied with the PFEO.

The Tribunal decided, therefore, that the property factors have complied with the PFEO.

The Tribunal's Decision was unanimous.

Right of Appeal

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.

Signed

Dated: 14 November 2023

Chairperson