

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision with Reasons under section 17 of the Property Factors (Scotland) Act 2011 (“the Act”) and Rule 17 (4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/23/1578

**Flat 1/1, 64 Kempock Street, Gourock, PA19 1ND
 (“the Property”)**

The Parties:-

**Mrs Elaine Cannon, Flat 1/1, 64 Kempock Street, Gourock, PA19 1ND
 (“the Homeowner”)**

**Cumming, Turner & Watt, 40 Carlton Place, Glasgow, G5 9TS
 (“the Factor”)**

Tribunal Members:

Alison Kelly (Legal Member)

Leslie Forrest (Ordinary Member)

Background

Having determined by Decision dated 19th December 2023 that the Property Factor had failed to comply with the Section 14 duty and its property factor’s duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEО”), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following PFEО and invites the Parties to make representations no later than 8th January 2023 (allowing for the festive holidays)

Proposed PFEО:

No later than [4 weeks from date of PFEО] the Property Factor must at its own cost and expense

1. Repair at their own expense, and without recourse to the homeowners or the local authority, the roof of the tenement of which the Property forms part to the extent that it no longer allows water ingress and the loose and broken tiles are repaired
2. Pay the Homeowner by a direct payment and not by a credit to the common charges account, the sum of £2000 as compensation for the stress and worry,

and for the time and effort she has put in to trying to resolve the issue with the Respondent

3. Evidence to the Tribunal that items 1 and 2 above have been carried out.

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 from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Alison J Kelly Chairperson

19th December 2023