

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**In respect of an Application under section 17 of the Property Factors (Scotland) Act 2011 (“the 2011 Act”)**

**Chamber Application Ref: FTS/HPC/PF/21/0456**

**The Property: 64 Silvertrees Wynd, Bothwell G71 8FH (“the Property”)**

**The Parties:**

**Mrs Moira Gardner, 64 Silvertrees Wynd, Bothwell G71 8FH (“the Applicant”), and**

**Mrs Caroline Adams, 18 Silvertrees Wynd, Bothwell G71 8FH (“the Applicant’s Representative”)**

**Miller Property Management Limited, Suite 2.2 Waverley House, Caird Park, Hamilton ML3 0QA (“the Respondent”)**

**Tribunal Members:**

**G McWilliams Legal Member and  
M Lyden (Ordinary Member)**

### **DECISION**

**The Tribunal make a Property Factor Enforcement Order (“PFEO”) in accordance with the terms of the Proposed PFEO.**

**The Tribunal’s decision is unanimous.**

### **REASONS FOR DECISION**

- 1. In the Tribunal’s decision, dated 11th July 2023, they stated that they proposed to make a Property Factor Enforcement Order (“PFEO”) The Tribunal also stated that, prior to making a PFEO, the parties had a**

period of 14 days within which to make representations regarding the Proposed PFEO under section 19(2)(b) of the 2011 Act.

2. The Respondent made an application for review of the Tribunal's decision, of 11th July 2023, which was determined by the Tribunal on 12th October 2023. The Respondent subsequently made an application for permission to appeal the Tribunal's decision of 11th July 2023. The Tribunal's decision to refuse permission to appeal accompanies this decision.
3. The Respondent has not made specific representations in respect of the proposed PFEO. The Applicant has not made any representations in respect of the proposed PFEO. In the circumstances the Tribunal is satisfied that it is fair and just to make a PFEO in the following terms:

i) The Respondent is to make a compensation payment to the Applicant, in the sum of £200.00, within 28 days of the date of issue of the PFEO; and

ii) The Respondent is to provide a letter of intimation of proposed works, additional to the repair, renewal and maintenance works which the Respondent routinely carries out at the Property and the development within which it is situated, with confirmation of the cost of such proposed works, to the Applicant, as well as all other homeowners at the development, in the event of such additional works being proposed, and prior to the execution of such works, from the date of this decision until the Respondent ceases to be the property factor for the Property. The Respondent is to provide a template letter of intimation of such proposed, additional works to the Tribunal within 28 days of the date of issue of the PFEO.

In terms of Section 24 (1) of the 2011 Act, a person/ body who, without reasonable excuse, fails to comply with a PFEO, commits an offence.

## **APPEALS**

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.



**G McWilliams Tribunal Legal Member 19th January 2024**