

Housing and Property Chamber First-tier Tribunal for Scotland



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

Variation of a Property Factor Enforcement Order following a Decision under Section 21(1) of the Act.

Reference numbers: FTS/HPC/LM/23/0079 FTS/HPC/LM/23/0081

Re: Land at Dinart Street, Glasgow and Property at Flat 0/1, 95, Dinart Street, Glasgow, G33 2DS (“the Property”)

The Parties:

Ms Marlene Hay, residing at Flat 0/1, 95, Dinart Street, Glasgow, G33 2DS, (“the Homeowner”)

Lowther Homes, having a place of business at Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (“the Property Factor”)

Tribunal Members

Karen Moore (Chairperson) Mary Lyden (Ordinary Member)

Having determined by Decision dated 11 April 2024 to vary the Property Factor Enforcement Order made by it on 18 July 2023, (“the PFEO”), the Tribunal varies the PFEO as follows:

No later than 11 September 2024 the Property Factor must at its own cost and expense:

1. Provide the Homeowner and the Tribunal with a hard copies of their full Complaints Procedure;
2. Provide the Homeowner and the Tribunal with updated name and contact details of the Patch Agents or other relevant contacts for the Property with whom the Homeowner can communicate directly;
3. Provide the Homeowner and the Tribunal with their schedule for routine garden maintenance and grass cutting for the current year March 2024 to March 2025, the dates on which the schedule is complied with and provide the Homeowner and Tribunal of their proposals for evidencing to the Homeowner that the schedule is being complied with;
4. Carry out the drain repair including the unblocking of the downpipes to ensure that the drain is unblocked and in full working order and that there no smells or noises are emitted and carry out this repair at their own cost and
5. Evidence to the Tribunal that items 1-4 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.



Karen Moore,

Chairperson

11 April 2024