



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

**Decision on Homeowner's application: Property Factors (Scotland) Act 2011
Section 19(1)(a)**

Chamber Ref:FTS/HPC/PF/23/0568

Flat 1/1, 1533 Dumbarton Road, Scotstoun, Glasgow, G14 9XG ('the Property')

The Parties:

**Kleanthi Sula residing at Flat 1/1, 1533 Dumbarton Road, Scotstoun, Glasgow,
G14 9XG ('the Homeowner')**

Lowther Homes ('the Factor')

Tribunal members:

Jacqui Taylor (Legal Member) and David Godfrey (Ordinary Member).

DECISION

The Factor has failed to fully comply with the Property Factor Enforcement Order dated 21st December 2023 ('The PFEO'). The decision is unanimous

1. Introduction

In this decision the Property Factors (Scotland) Act 2011 is referred to as "the 2011 Act"; the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors is referred to as "the Code"; and the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 are referred to as 'the Rules'.

The Tribunal issued the PFEO in the following terms:-

'The Factor must pay the homeowner £225 for the inconvenience he has suffered from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to the Factor of the Property Factor Enforcement Order.'

2. The Tribunal administration sent the PFEO to the Property Factor by recorded delivery letter on 28th December 2023 and it was signed for 3rd January 2024.

3. The Property Factor sent the Tribunal an email dated 13th February 2024 advising that the PFEO had been complied with.

4. The Homeowner sent the Tribunal an email received on 28th February 2024 advising that the PFEO had not been complied with. The Tribunal administration sent an email to the Homeowner dated 4th March 2024 asking him to confirm if he had received the payment of £225 from the Property Factor. The Homeowner sent the Tribunal an email dated 4th March 2024 advising that he had not received the payment of £225 from the Property Factor. The Tribunal administration sent an email to the Property Factor dated 11th March 2024 asking that they confirm if the payment of £225 was made to the Homeowner and if the payment had been made they were asked to provide evidence by 18th March 2024. The Property Factor did not respond to the email from the Tribunal administration dated 11th March 2024.

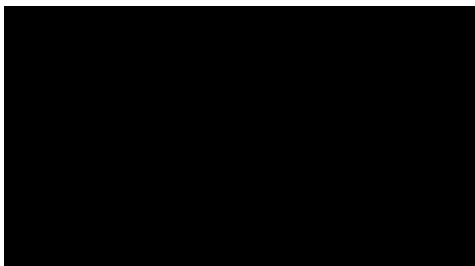
5. Decision

The Property Factor has not provided the Tribunal with evidence that the required payment of £225 was made to the Homeowner and accordingly the Tribunal determine that the PFEO has not been complied.

In terms of Section 23(2) of the Property Factor (Scotland) Act 2011 as the Tribunal have determined that the Factor has not fully complied with the terms of the Property factor Enforcement Order they are obliged to serve notice of the Factor's failure to comply with the PFEO on the Scottish Ministers. The necessary notice will be served on the Scottish Ministers forthwith.

6. Appeals

A homeowner or property factor 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.



Legal Member and Chair

Date 4th April 2024