

Housing and Property Chamber First-tier Tribunal for Scotland



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

COMPLIANCE DECISION: under section 19 of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/17/0447

Re: Flat 3/1, 9 Dover Street, Glasgow, G3 7BG (“the Property”)

The Parties:-

Mr Gordon Orr, Flat 3/1, 9 Dover Street, Glasgow, G3 7BG (“the Homeowner”)

Glasgow West Enterprises Limited, 5 Royal Crescent, Glasgow, G3 7SL (“the Factor”)

Tribunal Members

Ms Helen Forbes (Legal Member)

Ms Ann MacDonald (Ordinary Member)

Decision

The Tribunal has determined that the Factor has complied in full with the terms of the Property Factor Enforcement Order (“PFEO”) dated 23rd September 2018 therefore no further action is required.

The decision is unanimous.

Statement of Reasons

1. By decision dated 21st August 2018, the Tribunal determined that the Factor had failed to comply with section 2.5 of the Code of Conduct for Property Factors (“the Code”).
2. The Tribunal issued a Notice of Proposed PFEO together with the decision on 31st August 2018, and invited representations within 14 days of the Notice being received by parties.
3. By letter dated 13th September 2018, the Factor’s representative informed the Tribunal that the terms of the proposed PFEO had been complied with, and invited Tribunal members to find that a PFEO was no longer necessary.

4. By email dated 19th September 2018, the Homeowner informed the Tribunal that he was satisfied that the terms of the proposed PFEO had been complied with, and that he accepted that a PFEO was not necessary.
5. The Tribunal considered matters carefully and decided that, in view of the seriousness of the Factor's failure to comply with the section 14 duty, it was in order to make a PFEO.
6. The Tribunal is satisfied that the PFEO has been complied with by the Factor and no further action is required.

Right of Appeal

7. 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.

Legal Member and Chairperson

23rd September 2018