

Housing and Property Chamber First-tier Tribunal for Scotland



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)
In an Application under section 17 of the Property Factors (Scotland) Act 2011**

Re: Longford Crofts, West Calder EH55 8FD (“the Property”)

The Parties:-

Karim Sowaidan, 8 Longford Crofts; Ruth Close, 6 Longford Crofts; Roddy Fuller, 5 Longford Crofts EH55 8FD; and Robert Dalziel, 4 Longford Crofts EH55 8FD (“the Applicants”)

Longford Property Management, Longford Farm, West Calder, West Lothian EH55 8NS (“the Respondent”)

Chamber Ref: FTS/HPC/LM/19/3717, 20/0283, 20/0334 and 22/2063

Tribunal Members:

John McHugh (Chairman) and Robert Buchan (Ordinary (Surveyor) Member).

DECISION

The Tribunal hereby determines that the Property Factor Enforcement Order has been complied with.

Our decision is unanimous.

REASONS FOR DECISION

On 1 November 2022 we made the following Property Factor Enforcement Order (“PFEO”):

“Within 35 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 Pay to each of the Applicants the sum of £400, such payment to be by way of a cheque made payable to the Applicant or bank transfer as opposed to a credit to their factoring accounts.*

- 2 Confirm in writing to the office of the Tribunal that step 1 above has been carried out.”*

In terms of section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.

The Tribunal gave consideration to the extent to which the PFEO had been complied with.

There is no dispute among the parties that the Respondent has complied with the PFEO. On 10 January the Applicants’ representative confirmed that the required payments had been received and on 13 January 2023 the Respondent’s solicitor confirmed that the payments had been made.

We therefore decide that the PFEO has been complied with.

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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.

Signed

Date 9 May 2023

JOHN M MCHUGH

Chairperson

