

Housing and Property Chamber

First-tier Tribunal for Scotland



Property Factor Enforcement Order made under Section 19(3) of the Property Factors (Scotland) Act 2011 as amended (“the 2011 Act”) following upon a Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) in an application under Section 17(1) of the 2011 Act.

Chamber References: HPC/PF/21/2439, HPC/PF/21/2627, HPC/PF/21/2513, HPC/PF/21/2438, HPC/PF/21/2380 and HPC/PF/21/2368

Re: Properties at 40 Cranworth Street, Hillhead, Glasgow, G12 8AG (“the Properties”)

Parties:

Ms Kirsty Scott (2439), Mrs India Fullarton (2627), Mrs Fiona Mann (2513), Ms Pasquale Cerullo (2438), Mrs Ping-Tai Wong (2380) and Mr Alan Ker (2368) (“the Applicants”)

Lomond Property Factors Limited, The Gowk, Gartocharn, Dunbartonshire, G83 8ND (“the Respondent” and “the Property Factor”)

Tribunal Members:

Martin McAllister, solicitor, (Legal Member) and Robert Buchan, chartered surveyor, (Ordinary Member) (“the tribunal”)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) considered matters and determined that a property factor enforcement order (“PFEO”) should be made.

This document should be read in conjunction with the tribunal’s decision under section 19(1) (a) of the 2011 Act dated 19th October 2022 (as amended after review) and its decision of even date with this PFEO.

The tribunal makes the following PFEO:

The Property Factor will make a payment of £500 to each Applicant by way of compensation for breaches of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors within twenty eight days of service of the property factor enforcement order.

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

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.

Martin J. McAllister,
Solicitor,
Legal Member
13th December 2022