

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.

Reference number: FTS/HPC/PF/21/1798

Re: 2/1,287 Onslow Drive, Dennistoun, Glasgow, G31 2QG (“the Property”)

The Parties:

Ms Clare Darlaston, 2/1,287 Onslow Drive, Dennistoun, Glasgow, G31 2QG (“the Applicant”)

James Gibb Property Management Ltd, 65 Greendyke Street, Glasgow, G1 5PX (“the Respondent”)

Tribunal Members:

Martin J. McAllister, Solicitor, (Legal Member)

Elizabeth Dickson, (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 should be made.

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This document should be read in conjunction with the tribunal’s decision under section 19(1) (a) of the 2011 Act dated 23rd November 2022 and its decision of even date with this PFEO.

The tribunal makes the following PFEO:

The property factor will make a payment of £200 to the Applicant by way of compensation for a breach of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors. The payment will be made 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
16th January 2023