

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(3)**

**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”)

**Decision**

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it. The decision of the Tribunal is unanimous

**Reasons for Decision**

In the Tribunal’s decision of 21<sup>st</sup> August 2018, it proposed to make a PFEO as follows:

“The Tribunal proposes to make a PFEO requiring the Factor, within 21 days of intimation of the PFEO, to pay the sum of £500 from their own funds and at no cost to the development homeowners, in order to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor’s failure to comply with the Property Factors Code of Conduct.”

The Tribunal indicated that, prior to making a PFEO, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

The Tribunal’s decision was intimated to the parties on 31<sup>st</sup> August 2018.

No representations were made by either party on the proposed terms of the PFEO.

The Tribunal confirmed its decision made on 21<sup>st</sup> August 2018 in terms of Section 19(1)(a) of the Act. The Tribunal agreed that it would be appropriate to make a PFEO.

### **Property Factor Enforcement Order**

The First-tier Tribunal hereby makes the following PFEO:

The Factor is required, within 21 days of intimation of the PFEO, to pay the sum of £500 from their own funds and at no cost to the development homeowners, in order to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor's failure to comply with the Property Factors Code of Conduct.

Failure to comply with a PFEO may have serious consequences and may constitute an offence.

### **Right of Appeal**

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

23<sup>rd</sup> September 2018