

Housing and Property Chamber

First-tier Tribunal for Scotland



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/22/0883, FTS/HPC/PF/22/1440

Re: Flat 4, 7 Chapel Street, Peterhead, Aberdeenshire AB42 1TH (“the Property”)

Parties: Mr Ian Taylor, 7 Chapelwell Drive, Balmedie, Aberdeen AB23 8HY (“the Applicant”)

Atholls Ltd, 16 North Silver Street, Aberdeen AB10 1RL (“the Respondent”)

Tribunal Member:

Graham Harding (Legal Member)
Andrew Murray (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision of 10 November 2022.

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 10 November 2022, it proposed to make a PFEO as follows:

1. The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £500.00 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor’s failure to comply with the Codes of Conduct for Property Factors.

The Tribunal indicated that prior to making a property factor enforcement order, 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 16 November 2022. No responses have been received from the applicant or the Respondent. The Tribunal has therefore determined to issue a PFEO in the terms originally proposed by it.

Property Factor Enforcement Order

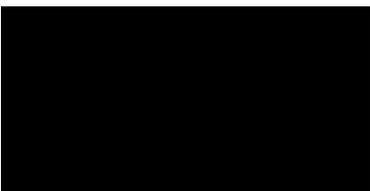
The First-tier Tribunal hereby makes the following PFEO:

(1) The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £500.00 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor's failure to comply with the Codes of Conduct for Property Factors.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

Appeals

A homeowner or property factor 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.



Graham Harding Legal Member and Chair

10 December 2022 Date