

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION in respect of applications under section 17 of the Property Factor (Scotland) Act 2011 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Chamber Ref: HOHP/PF/16/0125

The Parties:-

Miss Deborah Ryan residing at Flat 1/2, 43 Eversley Street, The Spinney Estate, Glasgow, G32 8HS ("the first homeowner")

And

FirstPort Property Services Scotland Limited, 183 St Vincent Street, Glasgow, G2 5QD ("the property factor")

And

Chamber Ref: HOHP/PF/16/0163

Miss Gayle Cafferty residing at Flat 2/2, 42 Eversley Street, The Spinney Estate, Glasgow, G32 8HS ("the second homeowner")

And

FirstPort Property Services Scotland Limited, 183 St Vincent Street, Glasgow, G2 5QD ("the property factor")

The Properties:-

Subjects at

Flat 1/2, 43 Eversley Street, The Spinney Estate, Glasgow, G32 8HS and

Flat 2/2, 42 Eversley Street, The Spinney Estate, Glasgow, G32 8HS

Tribunal Members

Mr James Bauld (Legal Member)

Ms Elaine Munroe (Ordinary Member)

Decision

The tribunal determined that the property factor had failed to comply with certain duties arising from the Property Factor Code of Conduct ("the Code") and accordingly determined to make a Property Factor Enforcement Order in respect of each application.

Reasons for Decision

The Tribunal issued a decision dated 16th May 2017 following upon a hearing which took place on 2nd March 2017.

In that decision, the Tribunal determined that the Property Factor had failed to comply with certain duties arising from the Property Factors Code of Conduct ("The Code"). The Tribunal provided the parties with a copy of a proposed Property Factor Enforcement Order ("PFEO"). The Tribunal invited parties to make further representations to the Tribunal in terms of the relevant provisions of the Property Factors (Scotland) Act 2011.

The decision was subsequently issued to the parties and the Tribunal have not received any further representations from any of the parties. Accordingly the Tribunal have decided that they should confirm all parts of their original decision and have now determined to make a Property Factor Enforcement Order in the following terms.

"the Tribunal order that the Property Factor make a payment to each of the Homeowners namely Deborah Ryan and Gail Cafferty of the sum of £100.00 within four weeks of the date of this decision." The Property Factor Enforcement Order is set out in a separate document to this decision. The decision of the Tribunal is unanimous.

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.

J Bauld

James Bauld, Chairperson

Date

7 July 2017

D Jones

Witness

Donna Jones

Full name

SECRETARY

Designation

T C Young
7 West George Street,
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