

Housing and Property Chamber

First-tier Tribunal for Scotland



**Decision of the of the First-tier Tribunal for Scotland Housing and Property
Chamber
In an Application under section 17 of the Property Factors (Scotland) Act 2011
by**

**Catherine Crossan, Flat 7, Charlotte Court, 37 East Princes Street,
Helensburgh G84 7DF
("the Applicant")**

**91BC Property Services, Garscadden House, 3 Dalsetter Crescent, Glasgow
G15 8TG
("the Respondent")**

Chamber Ref: FTS/HPC/PF/19/0553

**Re: Flat 7, Charlotte Court, 37 East Princes Street, Helensburgh G84 7DF
("the Property")**

Tribunal Members:

John McHugh (Chairman) and Andrew Taylor (Ordinary (Surveyor) Member)

DECISION

The Tribunal decides not to issue a Property Factor Enforcement Order.

The decision is unanimous.

REASONS FOR DECISION

In this decision we refer to the Property Factors (Scotland) Act 2011 as “the 2011 Act” and the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors as “the Code”.

In our decision of 29 May 2019 we found that the Respondent had breached its duties arising under the Code. We provided the parties with a copy of a proposed Property Factor Enforcement Order ("PFEO") for their comment. The proposed PFEO provided as follows:

“Within 31 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

1 Take steps to ensure that its staff are aware of its Complaints Handling Procedure and the relevant terms of the Code to ensure that these are followed when complaints are received.

2 Confirm in writing to the office of the Tribunal that step 1 has been carried out.”

By letter dated 14 June 2019, the Respondent contacted the office of the Tribunal to confirm that the actions required by the Proposed PFEO had been completed. We have not received any comment from the Applicant on the terms of the PFEO and have sought no comment from the Applicant on the terms of the letter dated 14 June 2019 since the action required by the PFEO concerned purely internal matters relating to the Respondent upon which the Applicant could not reasonably be expected to comment.

In the circumstances, issuing the PFEO would appear unnecessary and so we have elected in terms of section 19(1)(b) of the 2011 Act not to issue any PFEO in this case.

APPEALS

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.

JOHN M MCHUGH

CHAIRMAN

DATE: 2 July 2019