

Housing and Property Chamber

First-tier Tribunal for Scotland



PROPERTY FACTOR ENFORCEMENT ORDER

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011**

Chamber Ref:FTS/HPC/PF/17/0253

Flat 4/3, 1 Lawn Street, Paisley, PA1 1HA ('the Property')

The Parties:

Martin Docherty residing at Flat 4/3, 1 Lawn Street, Paisley, PA1 1HA ('the Homeowner')

Link Housing Association Limited, Watling House, calendar Business Park, Falkirk, FK1 1XR ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Colin Campbell (Ordinary Member).

NOTICE TO THE PARTIES

The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the property factor's duties in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with sections 2.1, 2.5, 5.2, 6.1 and 7.2 of the Code of Conduct, all as stated in their decision dated 28th December 2017.

The Tribunal intimated to the parties, in terms of their said decision dated 28th December 2017 that they proposed to make a Property Factor Enforcement Order. The only representations received regarding the proposed Property Factor Enforcement Order were representations from the Homeowner received by email dated 25th January 2018. The Homeowner explained that he considered the level of compensation to be insufficient and too low.

The Homeowner's representations were carefully considered by the Tribunal. They did not consider that they added any additional matters which would necessitate them in reviewing their Decision or the Proposed Property Factor Enforcement Order.

In terms of section 19(3) of the Property Factors (Scotland) Act 2011 if the Tribunal are satisfied that the Factor has failed to carry out the property factors' duties or, as ~~the case may be, to comply with the section 14 duty,~~ the Tribunal **must** make a

property factor enforcement order. Consequently, the Tribunal make the following Property Factor Enforcement Order:

'Link Housing Association Limited are directed to pay the Homeowner £300 as compensation. The said sums to be paid within 28 days of the communication to them of the Property Factor Enforcement Order.'

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

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.

Jacqui Taylor

Signed .

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Chairperson Date: 19th February 2018