

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision: Property Factors (Scotland) Act 2011 Section 19

Chamber Ref: FTS/HPC/PF/17/0258

Raeburn Common, Pettinain, Lanark
("The Property")

The Parties: -

James Prentice, 25 Raeburn Common, Pettinain, Lanark, ML11 8SX
("the Homeowner")

Park Property Management Ltd, 11 Somerset Place, Glasgow, G3 7JT
("the Property Factor")

Tribunal Members:

Josephine Bonnar (Legal Member)
Ahsan Khan (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal's Decision of 8 December 2017.

Decision

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

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal's decision of 8 December 2017, it proposed to make a PFEO as follows:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £60 as compensation for his time, effort and inconvenience within 28 days of intimation of the Property Factor Enforcement Order.

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 13 December 2017. On 29 December 2018 the Property Factor lodged written representations regarding the proposed PFEO. In particular, the Property Factor stated that he intended to deduct sums due by the Homeowner for factoring services, from the compensation which was proposed. The Homeowner did not lodge written representations but made an application for review in terms of Section 43 of the Tribunal (Scotland) Act 2014. On 24 February 2018 the Tribunal issued a decision, refusing the application for review. The parties were advised that they had a further 7 days to make representations in relation to the proposed PFEO. By email dated 3 April 2018 the Homeowner notified the Tribunal that the proposed compensation of £60 had not been received. By email dated 5 April 2018 the Property Factor advised the Tribunal that a cheque had now been posted to the Homeowner. On 26 April 2018 the Homeowner advised the Tribunal that he had received a cheque for £60.

The Tribunal, having considered the matter, is satisfied that the Property Factor has implemented the proposed PFEO in its entirety. Accordingly, the Tribunal does not require to issue a PFEO.

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.

J Bonnar

Josephine Bonnar,
Legal Member and Chair

11 May 2018