

Housing and Property Chamber First-tier Tribunal for Scotland



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

Decision in terms of Section 23(1) Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/17/0141

Flat 3/1 4 Houston Street, Renfrew, PA4 8NR ("The Property")

The Parties: -

**Mrs Doreen Watt, 9 Doune Crescent, Bishopbriggs, G64 3JG
("the Homeowner")**

**Apex Property Factor Limited, 46 Eastside, Kirkintilloch, East Dunbartonshire,
G66 1QH ("the Property Factor")**

Tribunal Members:

Josephine Bonnar (Legal Member)

Elizabeth Dickson (Ordinary Member)

Decision

The Tribunal hereby determines that the Property Factor has not complied with the Property Factor Enforcement Order (PFEO) dated 24 January 2018.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 24 January 2018, it made a PFEO in the following terms:

- (1) The Tribunal order the Property Factor to pay to the Homeowner the sum of £550 as compensation for her time, effort and inconvenience within 28 days of intimation of the Property Factor Enforcement Order.

The PFEO was issued to parties on 1 February 2018. The Property Factor submitted a request for permission to appeal a decision of the Tribunal. By decision dated 5 May 2018 this was refused by the Tribunal and parties were asked to confirm if the compensation stipulated in the PFEO had been paid. The Property Factor thereafter submitted a request for permission to appeal to the Upper Tribunal. By letter dated 22 June 2018 this was also refused. A subsequent attempt to re-submit the request

for permission to appeal to the Upper Tribunal was also refused on 17 August 2018. On 31 August 2018 the Homeowner's agent confirmed that the compensation has not been received by the Homeowner. On 6 September 2018 the Property Factor confirmed that the compensation has not been paid. The Tribunal notes that the time limit for complying with the PFEO has passed. The Tribunal is satisfied from the representations received that the Property Factor has failed to comply with the PFEO.

Effect of Decision

Notice of the Failure to comply will be sent to the Scottish Ministers. The Respondents are reminded that under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse fails to comply with a PFEO commits a criminal offence.

Appeals

A homeowner or property factor aggrieved by a 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.


Josephine Bonnar,
Legal Member

17 September 2018