

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision with proposed Property Factors Enforcement Order (PFEO) under Section 19 of the Property Factors (Scotland) Act 2011 (Act)

Chamber Ref: FTS/HPC/Property Factor/22/1049

Re: Property at 32 Millford Drive, Linwood, PA3 3EJ (“the Property”)

The Parties:

Catherine Stevenson, formerly residing at 32 Millford Drive, Linwood, PA3 3EJ and Flat 16, 53 Glasgow Road, Paisley, (“the Homeowner”)

Walker Sandford, St George’s Buildings, 5 St Vincent Place, Glasgow, G1 2DH (“the Respondent”)

Tribunal Member:

Melanie Barbour (Legal Member)

Andrew Taylor (Ordinary Member)

Decision

The First-Tier Tribunal for Scotland (Housing and Property Chamber) (Tribunal) having determined that the Property Factor has complied with the proposed Property Factors Enforcement Order (PFEO) dated 13 March 2023, hereby determines that it does not require to make a PFEO in terms of section 20 of the 2011 Act.

Reasons for Decision

1. In terms of the Tribunal’s decision of 13 March 2023, it proposed to make a PFEO in the following terms “*Within a period of two months from the date of the*

PFEO the Factor must: From their own funds pay the homeowner the sum of £150.00 as compensation; and Provide a written apology to the homeowner for the Property Factor's failure to properly discharge their duties in terms of the Property Factor's Code, namely, to keep the Homeowner properly informed of about the repair works required to be carried out to the roof of the property and the likely timescales for completion of those repair works."

2. By email dated 25 July 2023 the Factor wrote confirming that they had made the payment and sent the letter as required by the proposed PFEO. On the same date the Homeowner's representative confirmed that they received payment and the letter from the Factor.
3. Given the correspondence from both parties the Tribunal determines that it should not make 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.

Melanie Barbour

Legal Member and Chair

10 October 2023 Date