

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(3)

**Chamber Ref: FTS/HPC/PF/22/4324
FTS/HPC/PF/22/4325**

Parties:

Mr William McGibbon, Flat 10, 12 Ravelston Terrace, Edinburgh EH4 3TP (“the Applicant”)

Hacking & Paterson Residential Management Services, 103 East London Street, Edinburgh EH7 5BF (“the Respondents”)

Tribunal Member:

**Graham Harding (Legal Member)
Andrew Murray (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal’s Decision of 10 October 2023.

Decision

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it.

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal’s decision of 10 October 2023, it proposed to make a PFEO as follows:

The Respondents must within 30 days of the date of issue of this order:

1. Credit from its own funds the Applicant’s account with the sum of £655.00 in respect of the charges imposed for water ingress between 2019 and 2022 at the development.
2. Make a further payment to the applicant from its own funds in respect of the inconvenience and distress caused to him in the sum of £345.00.

The Tribunal indicated that prior to making a property factor enforcement order, 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 and the Applicant by email dated 23 October 2023 requested the Tribunal review its decision. The Tribunal considered the request and refused it but did correct an error in the decision and re-issue it. The Tribunal did not make any amendments to the proposed PFEO

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

The Respondents must within 30 days of the date of issue of this order:

1. Credit from its own funds the Applicant's account with the sum of £655.00 in respect of the charges imposed for water ingress between 2019 and 2022 at the development.
2. Make a further payment to the applicant from its own funds in respect of the inconvenience and distress caused to him in the sum of £345.00.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

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.

Graham Harding Legal Member and Chair

19 December 2023 Date