

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/LM/18/1725

**Flat1/1 10 Andrews Street, Paisley PA3 2EP
 (“the Property”)**

The Parties:-

**Mr Dave Sinclair, Flat 1/1 10 Andrews Street, Paisley PA3 2EP
 (“the Homeowner”)**

**Link Group Limited, Watling House, Callendar Business Park, Falkirk FK1 1XR
 (“the Factor”)**

Tribunal Members:

**Graham Harding (Legal Member)
 Carol Jones (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal’s Decisions of 14 November 2018 and 30 March 2019.

Decision

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it on 30 March 2019.

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal’s decision of 30 March 2019, it proposed to make a PFEO as follows:-

1. The Factor must make a payment to the Homeowner from its own funds of £150.00 in respect of compensation for his trouble and inconvenience in pursuing his complaint to the Tribunal and provide confirmation to the Tribunal of payment within 30 days of the date of receipt of this order.

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 on 4 April 2019.

The Tribunal has received no representations from either party.

The Tribunal therefore now confirms its original decision made in terms of Section 19 (1) of the Act.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

- (1) The Factor must make a payment to the Homeowner from its own funds of £150.00 in respect of compensation for his trouble and inconvenience in pursuing his complaint to the Tribunal and provide confirmation to the Tribunal of payment within 30 days of the date of receipt of this order.

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.

G Harding

Graham Harding  Legal Member and Chair

24 April 2019

Date