

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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### **Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**In an Application under section 17 of the Property Factors (Scotland) Act 2011**

**by**

**Mhairi McLellan or Campbell, 24E Inchinnan Road, Paisley PA3 2RA  
("the Applicant")**

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

**Chamber Ref: FTS/HPC/PF/18/1883**

**Re: 24E Inchinnan Road, Paisley PA3 2RA  
("the Property")**

### **Tribunal Members:**

John McHugh (Chairman) and Mike Links (Ordinary (Surveyor) Member).

### **DECISION**

We are of the view that we should make a property factor enforcement order in the terms originally proposed by us.

Our decision is unanimous.

## **REASONS FOR DECISION**

In our decision of 8 February 2019 we indicated that we proposed to make a property factor enforcement order ("PFEO").

We indicated that, prior to making a property factor enforcement order, we would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

Our decision was intimated to the parties on 11 February 2019.

No relevant representations were received from the parties. Accordingly, we have decided to issue the PFEO in the form previously intimated.

### **Property Factor Enforcement Order**

We hereby make the following Property Factor Enforcement Order ("PFEO"):

*"Within 31 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:*

*1 Pay to the Applicant the sum of £800.*

*(For the avoidance of doubt the payments in 1 is to be made by cheque or bank transfer and not simply as credits to the Applicant's factoring account).*

*2 Confirm in writing to the office of the Tribunal that step 1 has been carried out."*

**Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.**

## **APPEALS**

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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 McHugh

**Signed**

**Date 8 March 2019**

**JOHN M MCHUGH**

**Chairperson**