

Housing and Property Chamber

First-tier Tribunal for Scotland



PROPERTY FACTOR ENFORCEMENT ORDER

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011**

Chamber Ref:FTS/HPC/PF/23/1441

2/1, 82 London Road, Glasgow, G1 5NP ('the Property')

The Parties:

Alexander Mladenov residing at 2/1, 82 London Road, Glasgow, G1 5NP ('the Homeowner')

Thenue Housing Association Limited ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and David Godfrey (Ordinary Member).

NOTICE TO THE PARTIES

1. The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the Code of Conduct for Property Factors, in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with the Property Factor duties and sections OSP11, 2.7 and 5.3 of the Code of Conduct, all as stated in their decision dated 25th September 2023.

2. The Tribunal intimated to the parties, in terms of their said decision dated 25th September 2023, that they proposed to make a Property Factor Enforcement Order, requiring the Property Factor to pay the Homeowner the sum of £75. The parties were given notice that they should ensure that any written representations they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and the notice of the proposed Property Factor Enforcement Order was intimated to them.

3. The Property Factor's solicitor sent the Tribunal a copy of the letter the Factor had sent to the Homeowner dated 4th October 2023 enclosing a cheque in payment of the sums due.

4. The Homeowner did not provide any written representation in relation to the proposed PFEO but sent the Tribunal an email dated 7th October 2023 advising that the payment remains outstanding.

5. The Tribunal acknowledge that Factor is arranging payment of the sums due to the Homeowner, however section 19(3) of the Property Factors (Scotland) Act 2011 provides that if the Tribunal are satisfied that the Factor has failed to carry out property factor duties or comply with the Code of Conduct they must make a Property Factor Enforcement Order.

Consequently, the Tribunal make the following Property Factor Enforcement Order:

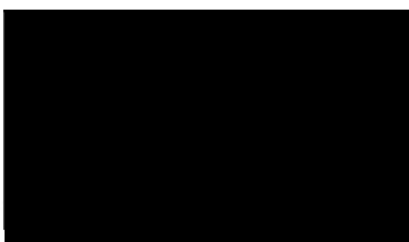
'The Factor must pay the homeowner £75 for the inconvenience he had suffered from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to the Factor of the Property Factor Enforcement Order'

Failure to comply with a PFEO may have serious consequences and 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.

Signed



Chairperson Date: 11th October 2023