

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

Written decision : Failure to Comply (NO PFEO) Property Factors (Scotland) Act 2011 Section 19

Chamber Ref: FTS/HPC/PF/18/0524

98 Boreland Drive, Glasgow G13 3DX  
("the Property")

#### The Parties:-

Mrs. Marion Hillan, residing at the Property ("the Homeowner and Applicant"),  
represented by Miss Angela Hillan

GHA (Management) Limited t/a YourPlace Property Management, Wheatley  
House, 25 Cochrane Street, Glasgow, G1 1HL ("the Factor and Respondent")

#### Tribunal Members:-

|                     |   |                            |
|---------------------|---|----------------------------|
| Patricia Anne Pryce | - | Chairing and Legal Member  |
| Carol Jones         | - | Ordinary Member (Surveyor) |

This document should be read in conjunction with the First-tier Tribunal's decision of 13 August 2018.

#### Decision

The tribunal is of the view that it does not require to make a property factor enforcement order in the terms originally proposed by it in its decision dated 13 August 2018 as the Respondent has fully complied with the terms of the proposed order.

The tribunal's decision is unanimous.

#### Reasons for Decision

In the tribunal's decision dated 13 August 2018, the tribunal indicated that it proposed to make a property factor enforcement order ("PFEO") in the following terms:-

"Within 28 days of the date of communication to the Respondent of the property factor enforcement order, the Respondent must:-

1. Pay to the Applicant the sum of £5,000.
2. Provide documentary evidence to the tribunal of the Respondent's compliance with the above Property Factor Enforcement Order by sending such evidence to the office of the First-tier Tribunal (Housing and Property Chamber) by recorded delivery post."

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 31 August 2018.

Subsequently, the tribunal received from the Respondent confirmation that the Respondent had sent to the Applicant a cheque in the sum of £5,000.

On 1 October 2018, the tribunal received from the Applicant an email confirming that she had received the funds from the Respondent.

The tribunal has taken account of the said documentary evidence provided by the Respondent and the Applicant. The tribunal unanimously agrees that the Respondent has complied with the proposed order. The tribunal certifies that the Respondent has complied with the proposed order and therefore does not require to issue a PFEO.

## **Appeal**

**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.**

\_\_\_\_\_ Legal and Chairing Member

\_1 October 2018\_\_\_\_\_ Date