

Housing and Property Chamber

First-tier Tribunal for Scotland



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

in

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

by

Jennifer Toft, 34 Lochan Road, Kilsyth, Glasgow G65 0DW (“the Applicant

SG Property Management Ltd, 272 Bath Street, Glasgow G2 4JR (“the Respondent”)

Re: Property at 34 Lochan Road, Kilsyth, Glasgow G65 0DW (“the Property”)

Chamber Ref: FTS/HPC/LM/23/0158 & 0159

Tribunal Members:

John McHugh (Chairman) and Ahsan Khan (Ordinary (Housing) Member).

Decision

The Tribunal hereby determines that the Property Factor Enforcement Order has been complied with.

The decision is unanimous.

Reasons for Decision

The Tribunal issued the following Property Factor Enforcement Order (“PFEO”) on 7 November 2023:

“Within 35 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 Credit to factoring account of the Applicant the sum of £33.60.*
- 2 Review its internal procedures such that homeowners are referred to the formal Complaint Resolution process when informal routes have been attempted unsuccessfully.*
- 3 Revise its ground maintenance specification to include specific plans for the adequate maintenance of the Fenced Area.*
- 4 Take steps to ensure the retention of records of phone calls with homeowners where a complaint has been raised.*
- 5 Confirm in writing to the office of the Tribunal that steps 1-4 above have been carried out.”*

In terms of section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.

The Tribunal gave consideration to the extent to which the PFEO had been complied with.

The Respondent by email of 19 December 2023 confirmed that it considers that it has now complied with the terms of the Proposed PFEO and referred to the comments it had made in this regard previously by its emails of 12 September and 21 November 2023.

Earlier in the process, the Applicant had by email of 3 October 2023 raised a concern about the Respondent's failure to adhere to its maintenance obligations. However, she has not made any representations regarding the Respondent's compliance with the PFEO.

Having considered parties' representations, the Tribunal hereby finds that the PFEO has been complied with.

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

Date 4 January 2024

JOHN M MCHUGH

Chairperson