

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

David McGaw, 5 Bute Place, Fort William PH33 6UT (“the Applicant”)

James Gibb Residential Factors, Bellahouston Business Centre, 428 Paisley Road West, Glasgow G51 1PZ (“the Respondent”)

**Re: Property at 342 Victoria Road, Glasgow G42 7RP
 (“the Property”)**

Tribunal Reference: FTS/HPC/23/2449

Tribunal Members:

John McHugh (Chairman) and Elizabeth Dickson (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 5 February 2024:

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

- 1 *Credit to the factoring account of the applicant the disputed charges of £53.99.*
- 2 *Pay to the Applicant the sum of £150, such sum to be by cheque or bank transfer as opposed to by credit to his factoring account.*
- 3 *Confirm in writing to the office of the Tribunal that steps 1 and 2 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.

Parties have submitted written responses to the Tribunal in which they agree that the PFEO has been complied with.

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 25 March 2024

JOHN M MCHUGH

Chairperson

