

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(3)

Reference numbers: FTS/HPC/PF/23/0299 & FTS/HPC/PF/23/0302

Re: Property at 22 Villa Dean, Rosewell, EH24 9ES (“the Property”)

The Parties:

Mr Philip Purcell, Mrs Lesley Purcell, 22 Villa Dean, Rosewell, EH24 9ES (“the Applicants”)

Trinity Factoring Services Ltd, 209/211 Burntsfield Place, Edinburgh, EH10 4DH (“the Respondent”)

Tribunal Members Alison Kelly (Legal Member), David Godfrey (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision of 13th May 2024.

Decision

Having determined by Decision dated 13th May 2024 that the Property Factor had failed to comply with the Section 14 duty and its property factor’s duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEO”), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following PFEO and invites the Parties to make representations no later than 13th June 2024.

Proposed PFEO:

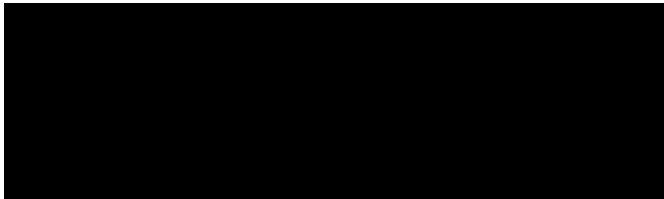
No later than 4 weeks from date of PFEO the Property Factor must:

1. Pay the Applicants the sum of £200 in respect of the breach of paragraph 2.4 of the Code;
2. Pay the Applicants the sum of £200 in respect of the two breaches of paragraph 2.7 of the Code;
3. Pay the Applicants the sum of £200 in respect of the breach of paragraph 7.2 of the Code;

4. Provide the Applicants with details of any charge to them in relation to production of the invoices rendered by the contractor to allow the Applicant to decide if they still wish to request copies.

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.



Alison J Kelly Chairperson

13th May 2024