

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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 13<sup>th</sup> May 2024.

### **Decision**

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it.

The decision of the Tribunal is unanimous

### **Reasons for Decision**

In the Tribunal’s decision of 13<sup>th</sup> May 2024, it proposed to make a PFEO as follows:

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 cumulo 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 documentation requested by the Applicant in relation to the invoices rendered by the contractor.

The Tribunal's decision was intimated to the parties on 28<sup>th</sup> May 2024

No representations were received from either party.

The Tribunal confirms the decision made on 14<sup>th</sup> May 2024.

### **Property Factor Enforcement Order**

The First-tier Tribunal hereby makes the following PFEO:

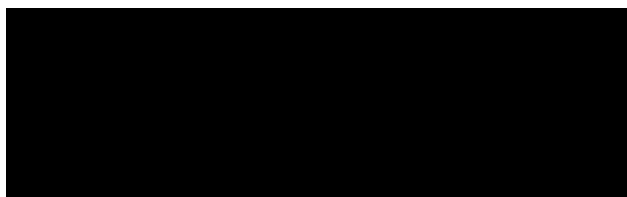
No later than 4 weeks from date of PFEO the Property Factor must:

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 cumulo 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 documentation requested by the Applicant in relation to the invoices rendered by the contractor.

**Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.**

### **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

17<sup>th</sup> June 2024

