

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 number: FTS/HPC/PF/23/3408

Re: Property at 33 Broomyhill Place, Linlithgow, West Lothian, EH49 7BZ (“the Property”)

The Parties:

Mr Steven McDade, 33 Broomyhill Place, Linlithgow, West Lothian, EH49 7BZ (“the Applicant”)

Hacking & Paterson Management Services, 103 East London Street, Edinburgh, EH7 4BF (“the Respondent”)

Tribunal Members: Alison Kelly (Legal Member) and Helen Barclay (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision of 27th 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 27th May 2024, it proposed to make a PFEO as follows:

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

1. Provide reconciliation statements for the Float for the last three financial years.

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 28th May 2024.

The Applicant did not make any representation.

The Respondent did not make any representation in relation to the proposed PFEO, but did request a review of the Decision.

The Tribunal decided to make the PFEO.

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. Provide reconciliation statements for the Float for the last three financial years.

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

24th June 2024