

Housing and Property Chamber First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order following a Decision under Section 17 of the Act.

Reference number: FTS/HPC/PF/23/1224

Property at Rowardennan Lodges, Rowardennan, Stirlingshire, G63 0AR (“the Property”)

The Parties:

Mr. Adrian McNally residing at 49, Academy Place, Bathgate, West Lothian, EH48 1AS (“the Homeowner”)

Blythswood Property Management, Munro House, Quarrywood Court, Livingston, EH54 6AX (“the Property Factor”) per their agents Davidson Chalmers Stewart LLP, 12, Hope Street, Edinburgh, EH2 4DB (“the Property Factor’s Agents”)

Tribunal Members

Karen Moore (Chairperson) Carol Jones (Ordinary Member)

Background

Having determined by Decision dated 25 July 2024 that the Property Factor had failed to comply with the Section 14 duty 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 before 25 August 2024:-

Proposed PFEO:

No later than 26 August 2024, the Property Factor must at its own cost and expense

1. refund to the Homeowner his share of the reserve fund and to pay to him, from their own funds, the sum of £250.00 in lieu of interest and in compensation for the inconvenience which the Property Factor has caused

him in regard to this aspect of his complaint;

2. send to the utility supplier the letter which it had previously agreed to send, and, before doing so, to consult with the Homeowner to ensure that the letter is worded in a way which satisfies the Homeowner's concerns and
3. Evidence to the Tribunal that items 1 and 2 above have been carried out.

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.

Karen Moore,

Chairperson

25 July 2024