

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/23/4244 & FTS/HPC/PF/24/0011

Re: Property at 3/1 642 Alexandra Parade, Glasgow, G31 3BU (“the Property”)

The Parties:

Mr Alistair Beith, 3/1 642 Alexandra Parade, Glasgow, G31 3BU (“the Applicant”)

W.M. Cumming, Turner & Watt, 40 Carlton Place, Glasgow, G5 9TS (“the Respondent”)

Tribunal Member: Alison Kelly (Legal Member)

This document should be read in conjunction with the First-tier Tribunal's Decision of 9th September 2024.

Decision

Having determined by Decision dated 9th September 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 9th October 2024.

Proposed PFEO:

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

1. Provide a copy of all invoices from January 2005 to May 2022 relating to Scottish Power charges for stair lighting in relation to the block
2. Provide a copy of all invoices from Engie from May 2022 to 1st October 2023 for stair lighting in relation to the block
3. Provide a copy of all invoices rendered by the Respondent to the Applicant during his period of ownership so that he can reconcile the payments made

4. Provide the Applicant with a final accounting to the date that the Respondent ceased to factor the block
5. Make payment to the Applicant his float and any other sums due to him
6. Pay the Applicant the sum of £1500 in total in respect of the breaches of the Code.

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.

9th September 2024