

# 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)**

**Chamber Ref: FTS/HPC/PF/23/0271**

**Re: Property at Flat 0/1, 33 St Andrews Crescent, Pollokshields, Glasgow, G41 5SE (“the Property”)**

**Parties:**

**Mr Alexander Gillespie, Flat 0/1, 33 St Andrews Crescent, Pollokshields, Glasgow, G41 5SE (“the Applicant”)**

**Southside Factoring and Related Services Limited, Southside House, 135 Fifty Pitches Road, Glasgow, G51 4EB (“the Respondent”) Tribunal Members**

**Ms H Forbes (Legal Member) and Ms C Jones (Ordinary Member)**

**Decision**

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

**Reasons for Decision**

1. In the Tribunal's decision of 23<sup>rd</sup> October 2024, it proposed to make a PFEO as follows:

“The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £800 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor's failure to comply with the Code of Conduct for Property Factors.”

2. The Tribunal indicated that, prior to making a PFEO, 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 decision was issued on 23<sup>rd</sup> October 2024.
3. By email dated 27<sup>th</sup> October 2024, the Homeowner requested a review of the decision.

4. By email dated 6<sup>th</sup> November 2024, the Property Factor representative stated that the Property Factor had acted on the proposed PFEO and made payment to the Homeowner in compliance, stating that a PFEO was not necessary.
5. The Property Factor lodged a response to the review request dated 14<sup>th</sup> November 2024.
6. The Tribunal reviewed the decision and made no change. The review decision was issued on 5<sup>th</sup> December 2024.
7. The Tribunal has now confirmed its decision made in terms of Section 19(1)(a) of the Act. The Tribunal agrees that it would be appropriate to make a PFEO, notwithstanding that the Property Factor claims to have made payment to the Homeowner.

### **Property Factor Enforcement Order**

8. The First-tier Tribunal hereby makes the following PFEO:

The Property Factor is required to pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £800 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor's failure to comply with the Code of Conduct for Property Factors.

9. Under section 24 (1) of the Act, a person who, without reasonable excuse, fails to comply with the Property Factory Enforcement Order commits an offence.

### **Right of 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.**

Helen Forbes

Legal Member and Chairperson  
13<sup>th</sup> December 2024