



Decision of the First-tier Tribunal for Scotland Housing and Property Chamber in relation to an application made under Section 17(1) of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/24/1678

Re: Property at 17 Lugar Street, Coatbridge ML5 3JS (“the Property”)

Parties:

Mrs Kathryn Miller, 11 Street Farm Close, Harthill, Sheffield S26 7UH (“the homeowner”)

Speirs Gumley Property Management Limited, incorporated in Scotland (SC078921), having their registered office at 3rd Floor, Red Tree Magenta, 270 Glasgow Road, Rutherglen Glasgow G73 1UZ (“the property factors”)

Tribunal Members:

George Clark (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber decided not to make a Property Factor Enforcement Order.

Reasons for Decision

1. On 18 October 2024, following a Hearing on 19 September 2024, the Tribunal determined that the property factors had failed to comply with OSP11 and Section 2.7 of the Property Factors Code of Conduct effective from 16 August 2021 and with the property factor’s duties. The Tribunal intimated to the property factors that it proposed to make a Property Factor Enforcement Order (“PFEO/Order”) in terms of the Section 19(2)(a) Notice attached to its Decision, requiring the property factors to pay compensation to the homeowner in the sum of £100.
2. On 5 November 2024, the property factors provided the Tribunal with a copy of a letter of the same date to the homeowner, enclosing a cheque for £100.
3. The Tribunal decided that, as the property factors had paid to the homeowner the sum that would have been stipulated in the proposed PFEO, it was no longer necessary to make the Order.

4. The Tribunal's Decision was unanimous.

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.

George Clark

Legal Member

18 November 2024
Date