

Housing and Property Chamber

First-tier Tribunal for Scotland



PROPERTY FACTOR ENFORCEMENT ORDER

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011**

Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) of the Property Factors (Scotland) Act 2011

**Chamber Ref:FTS/HPC/PF/24/1260, FTS/HPC/PF/24/2750, FTS/HPC/PF/24/2751
and FTS/HPC/PF/24/2752.**

Flat B, 2 Ferguslea Terrace, Torrance, Glasgow, G64 4BU ('the Property')

The Parties:

Paul Martin ('the Homeowner')

91BC Property Services Limited ('the Factor')

Tribunal members:

Jacqui Taylor (Legal Member) and Ahsan Khan (Ordinary Member).

NOTICE TO THE PARTIES

1. The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the Code of Conduct for Property Factors, in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with sections 1.1 and 4.3 of the Code of Conduct, all as stated in their decision dated 30th December 2024.

2. The Tribunal intimated to the parties, in terms of their said decision dated 30th December 2024, that they proposed to make a Property Factor Enforcement Order. The parties were given notice that they should ensure that any written representations they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and the notice of the proposed Property Factor Enforcement Order was intimated to them.

3. The parties did not provide any written representation in relation to the proposed PFEO.

4. Consequently, the Tribunal make the following Property Factor Enforcement Order:

One. The Factor must provide the Tribunal with evidence of the date they issued the amended written statement of services that includes the paragraph 'Customer access to 91BC software application' and includes the provision that 'The Company reserves the right to charge a fee for access to customer-facing software application...'

Two. The Factor must repay the Homeowner the late payment charges that were issued before the date of issue of the amended written statement of services.

Three. The Factor must pay the Homeowner £75 for the inconvenience he has suffered from their own funds and at no cost to the owners.

The said sums to be paid and evidence to be sent to the Tribunal that the payments have been made within 28 days of the communication to the Factor of the Property Factor Enforcement Order.

Failure to comply with a PFEO may have serious consequences and constitute an offence.

Appeals

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.

Jacqueline Taylor

Signed

Chairperson Date:22nd January 2025