

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)

Chamber Ref: FTS/HPC/PF/23/2752

Re: 17 Charleston Road North, Cove, Aberdeen AB12 3SZ

Parties:

Ms Catriona Reid, 26 Conglass field Gardens, Inverurie AB51 4AB (“the Applicant”)

James Gibb Residential Factors, 27 Chapel street, Aberdeen AB10 1SQ (“the Respondents”)

Tribunal Member:

**Graham Harding (Legal Member)
Elizabeth Williams (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal’s Decision of 27 January 2025.

Decision

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

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal’s decision of 27 January 2025, it proposed to make a PFEO as follows:

- (1) In respect of the amount overcharged for the supply of gas to the property the Tribunal requires the Respondents to pay the sum of £1333.43 to the Applicant within thirty days of the service on it of the final PFEO in terms of Section 19 (3) of the 2011 Act.
- (2) In respect of the worry, inconvenience and distress suffered by the Applicant as a result of the Respondents' breaches of the 2021 Code the Tribunal requires the Respondents to pay the sum of £1000.00 to the Applicant within thirty days of the service on it of the final PFEO in terms of Section 19(3) of the 2011 Act

The Tribunal indicated that prior to making a property factor enforcement order, 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 Tribunal's decision was intimated to the parties on 4 February 2025.

No representations were received from either party and the Tribunal therefore determined that it should make a PFEO in the terms originally proposed by it.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

- (1) In respect of the amount overcharged for the supply of gas to the property the Tribunal requires the Respondents to pay the sum of £1333.43 to the Applicant within thirty days of the service on it of the final PFEO in terms of Section 19 (3) of the 2011 Act.
- (2) In respect of the worry, inconvenience and distress suffered by the Applicant as a result of the Respondents' breaches of the 2021 Code the Tribunal requires the Respondents to pay the sum of £1000.00 to the Applicant within thirty days of the service on it of the final PFEO in terms of Section 19(3) of the 2011 Act

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

Appeals

A homeowner or property factor 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.

Graham Harding Legal Member and Chair

20 February 2025 Date