

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

---



### **Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**In an Application under section 17 of the Property Factors (Scotland) Act 2011**

**By by**

**Stuart Barnett, 3 Linnet Drive, Woodilee, Glasgow G66 3DG (“the Applicant”)**

**RMG Scotland, Unit 6, 95 Morrison Street, Glasgow G5 8BE (“the Respondent”)**

**Re: Property at 3 Linnet Drive, Woodilee, Glasgow G66 3DG  
 (“the Property”)**

**Chamber Ref: FTS/HPC/PF/23/1960**

#### **Tribunal Members:**

John McHugh (Chairman) and Elizabeth Dickson (Ordinary (Housing) Member).

#### **DECISION**

**The terms of the Property Factor Enforcement Order have been complied with.**

The decision is unanimous.

## **Introduction**

In this decision we refer to the Property Factors (Scotland) Act 2011 as “the 2011 Act”; the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors as revised with effect from 16 August 2021 as “the Code” and the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as “the 2017 Regulations”.

The Tribunal had available to it, and gave consideration to, all of the documents lodged on behalf of the Applicant and the Respondent.

## **History**

On 3 March 2025, the Tribunal made a Property Factor Enforcement Order (“PFEO”) requiring the Respondent to take the following steps:

*“Within 31 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:*

- 1 Pay to the Applicant the sum of £1220, such sum to be by cheque or bank transfer as opposed to by credit to his factoring account.*
- 2 Confirm in writing to the office of the Tribunal that step 1 above has been carried out.”*

## **REASONS FOR DECISION**

In terms of section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.

The Tribunal gave consideration to the extent to which the PFEO had been complied with.

The Tribunal invited the parties to make written submissions on the extent to which the PFEO has been complied with.

The Respondent by communication dated 12 March 2025 advised that it had made the payment required by the PFEO.

The Applicant’s representative by communication dated 29 May 2025 confirmed receipt of the payment required by the PFEO.

Having regard to the parties’ submissions, the Tribunal finds that the PFEO has been complied with.

## **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.

**JOHN M MCHUGH**

**CHAIRMAN**

**DATE: 2 June 2025**