

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Proposed Property Factor Enforcement Order following a Decision under Section 17 of the Act.

Reference number: FTS/HPC/PF/19/2307 and PF/23/1461 (“the Applications”)

Re: Property at Flat 4/1, 11 Kent Road, Glasgow G3 7EH (“the Property”), being part of a development of 66 flatted houses and commercial properties (“the Development”)

The Parties:

Mrs Tolani Hassan of Flat 4/1, 11 Kent Road, Glasgow G3 7E (“the Homeowner”)

Miller Property Management Ltd, Suite 2.2, Waverley House, Caird Park, Hamilton ML3 0QA (“the Property Factor”)

Tribunal Members:

Karen Moore (Legal Member) and Andrew Taylor (Surveyor Member)

Background

Having determined by Decision dated 7 July 2025 that the Property Factor had failed to comply with the Section 14 duty and its property factor’s duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEO”), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following PFEO and invites the Parties to make representations no later than 31 August 2025:-

Proposed PFEO:

No later than [3 weeks from date of PFEO] the Property Factor must at its own cost and expense:

1. Compensate the Homeowner in the sum of £1,000.00 by a direct payment and not by a credit to her common charges account for the additional costs, inconvenience, stress and frustration caused to her by the Property Factor's actions and
2. Evidence to the Tribunal that the payment has been made.
3. The Property Factor is ordered to treat the water ingress issue from flat 5/1 into the Property as a Development common repair and no later than [4 weeks from the date of PFEO] must a) take all steps to ascertain that works carried out to date have been an effective solution to the problem and b) if the works carried out to date have not proven to be an effective solution, must take forward the carrying out of the repair with the Development owners in terms of the Deed of Declaration of Conditions and
4. Evidence to the Tribunal that these steps have been taken.
5. In the event that further repair is required, and the Development owners consent to the repair, the Property Factor must report to the Tribunal every two months on the progress of the repair process until it is completed;
6. In the event that further repair is required, and the Development owners do not consent to the repair, the Property Factor must evidence this to the Tribunal no later than two weeks after the date on which it is apparent that no consent has been given.

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.

Karen Moore,

Chairperson

7 July 2025