

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(3)

Chamber Ref: FTS/HPC/LM/21/1767

The Parties:-

Stephen McLarty, 11H North Frederick Path, Hanover Court, Glasgow, G1 2BG (“the Homeowner”)

Speirs Gumley Property Management, Red Tree Magenta, 270 Glasgow Road, Glasgow, G72 1UZ (“the Property Factor”)

The Tribunal:-

Melanie Barbour (Legal Member)
Elaine Munroe (Ordinary Member)

Decision

The First-Tier Tribunal for Scotland (Housing and Property Chamber) (Tribunal) having determined that the Property Factor has complied with the Property Factors Enforcement Order (PFEO) dated 19 April 2022, hereby certifies that the Property Factor has complied with the PFEO.

Reasons for the Decision

1. In the Tribunal’s decision of 19 April 2022, it made a PFEO as follows:-

Within a period of two months from the date of the PFEO the Factor must:

- (1) From their own funds credit the Homeowner’s common charges account with the sum of £200.00;
- (2) provide the Homeowner with all available copies of the following invoices and records regarding:-

- a. the works carried out to the flooring in block 11 in 2011 by Ian McDonald Flooring; and
 - b. the removal of the four trees constituting the supplementary grounds works carried out in 2020; and
 - (3) Provide to the Tribunal written confirmation that items (1) and (2) have been completed.
2. By email of 18 May 2022 the Property Factor wrote confirming that they had taken the required steps set out in the PFEO, namely they had credited the homeowner's account and provided all available documentation copy documentation required by the PFEO. They also enclosed a copy of the letter they had sent to the homeowner confirming these matters.
 3. The tribunal wrote to the homeowner seeking advice as to whether they considered that the PFEO had been complied with. The homeowner wrote to the tribunal on 28 June 2022 providing an extract of text which he had sent to the property factor; and on 29 June he forwarded further documentation that he had sent to the property factor. In summary his position was that the PFEO had not been complied with as he had not received records regarding the removal of the four trees.
 4. It is the position of the property factor that they have provided everything and there are no records available, other than the documentation provided.
 5. Given that the property factor states that they have provided all available documentation, and we note that they advised that the discussions for the removal of the 4 trees were carried out verbally, telling the homeowner,

In terms of the tree works, we have provided you with all the records which we hold, as the rest of the engagement in relation to these works was either by phone or face to face on site with Technical Tree Services. With this in mind, it is our view that we have fully complied with the terms of the PFEO."

The tribunal has no evidence that this was not the case.

6. Accordingly, the Tribunal determines that the PFEO had been complied with.

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.

Melanie Barbour

Legal Member and Chair

13 July 2022

Date