

Housing and Property Chamber First-tier Tribunal for Scotland



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

Decision by the Tribunal

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

The Parties:-

**Ryan Grant, Flat 3, Bothwell House, The Furlongs, Hamilton ML3 0DQ
("the Applicant")**

**WM Cumming Turner and Watt, 40 Carlton Place, Glasgow G5 9TS
("the Respondent")**

Chamber Ref: HOHP/PF/16/0120

**Re: Flat 3, Bothwell House, The Furlongs, Hamilton ML3 0DQ
("the Property")**

Tribunal Members:

John McHugh (Chairman) and Susan Napier (Ordinary (Surveyor) Member).

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") hereby determines that the Property Factor Enforcement Order has been complied with.

The decision is unanimous.

Reasons for Decision

The Tribunal issued a Property Factor Enforcement Order on 20 June 2017 ("the PFEO").

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

The PFEO

The PFEO was in the following terms:

"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 £200.*
- 2 Confirm in writing to the office of the Tribunal that step 1 above has been carried out."*

The Parties' Representations

We considered the Respondent's representations dated 28 July 2017 which indicated that the Respondent considered that it had complied with the PFEO.

There was no response from either the Applicant or his representative to the initial correspondence from the office of the Tribunal requesting confirmation of the Applicant's view as to whether or not there had been compliance with the PFEO.

The office of the Tribunal wrote again to the Applicant and his representative on 15 August indicating that if no response was received within 14 days, then the Tribunal would be likely to proceed to make a decision that the PFEO had been complied with. There has been no response.

In the circumstances, we accept the representations made by the Respondent and find that the PFEO has been complied with.

Decision

We have decided that the Respondent has complied with the terms of the PFEO.

Appeal

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.

Signed

8 October 2017

JOHN M MCHUGH

Chairing Member