

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

Douglas Forbes, 16 Oswald Court, Edinburgh EH9 2HY (“the Applicant”)
Trinity Factoring Services Limited, 209-211 Bruntsfield Place, Edinburgh EH10 4DH (“the Respondent”)

Reference No: FTS/HPC/PF/21/1275

Re: Property at 16 Oswald Court, Edinburgh (“the Property”)

Tribunal Members:

John McHugh (Chairman) and Colin Campbell (Ordinary (Housing) Member).

DECISION

We are of the view that we should make a property factor enforcement order in accordance with the terms of the Proposed Property Factor Enforcement Order.

Our decision is unanimous.

REASONS FOR DECISION

In our decision of 14 October 2021 we indicated that we proposed to make a property factor enforcement order (“PFEO”).

We indicated that, prior to making a property factor enforcement order, we would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

The Applicant has made an application for review which has been dealt with by the Tribunal. The Applicant has made no representations on the terms of the Proposed PFEO. The Respondent has confirmed that it wishes to make no representations.

Property Factor Enforcement Order

We hereby make the following Property Factor Enforcement Order (“PFEO”):

“Within 35 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 Institute procedures to ensure that communications received from homeowners are replied to within reasonable timescales and, in particular, within the timescales specified in the Respondent’s Written Statement of Services.
- 2 Institute procedures to ensure that communications received from homeowners which constitute complaints or which might reasonably be considered to constitute complaints are dealt with by the Respondent using its formal Complaints Procedure.
- 3 Confirm in writing to the office of the Tribunal that steps 1 and 2 above have been carried out.”

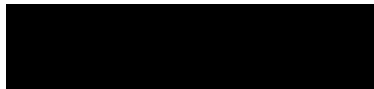
Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

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.

Signed

Date 1 December 2021

A solid black rectangular box used to redact the signature of the chairperson.

JOHN M MCHUGH

Chairperson

