

Housing and Property Chamber

First-tier Tribunal for Scotland



**Decision of the 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

**Alasdair Dennis, Flat 3/2, 546 Sauchiehall Street, Glasgow G2 3LX (“the
Applicant”)**

**Redpath Bruce, Crown House, 152 West Regent Street, Glasgow G2 2RQ (“the
Respondent”)**

Reference No: FTS/HPC/PF/21/0593

**Re: Property at Flat 3/2, 546 Sauchiehall Street, Glasgow G2 3LX
(“the Property”)**

Tribunal Members:

John McHugh (Chairman) and David Godfrey (Ordinary (Surveyor) Member).

DECISION

The Tribunal decides not to issue a Property Factor Enforcement Order.

The decision is unanimous.

REASONS FOR DECISION

In this decision we refer to the Property Factors (Scotland) Act 2011 as “the 2011 Act” and the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors as “the Code”.

In our decision of 15 June 2021 we found that the Respondent had breached its duties arising under the Code. We provided the parties with a copy of a proposed Property Factor Enforcement Order ("PFEO") for their comment. The proposed PFEO provided as follows:

“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 £150, such payment to be by way of a cheque made payable to the Applicant or by bank transfer as opposed to a credit to his factoring account.*
- 2 Confirm in writing to the office of the Tribunal that steps 1 above has been carried out.”*

On 30 June 2021, the Respondent contacted the office of the Tribunal to confirm that the payment anticipated in the PFEO had been issued by the Respondent to the Applicant.

On 6 July 2021, the Applicant confirmed to the office of the Tribunal by email his safe receipt of the payment.

In the circumstances, issuing the PFEO would appear unnecessary and so we have elected in terms of section 19(1)(b) of the 2011 Act not to issue any PFEO in this case.

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: 6 July 2021

