

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under Section 17 of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/LM/21/0906

Property: Property at 15 McVicars Lane, Dundee DD1 4LH (the Property”)

Parties: Mr Sam Donaghey, 15 McVicars Lane, Dundee DD1 4LH (“the Applicant”)

and

J Reavley Factoring Ltd, 125 Nethergate, Dundee DD1 4DW (“the Respondent”)

Tribunal Members:
Mark Thorley (Legal Member)

Decision

The Tribunal hereby determines that the Property Factor Enforcement Order has been complied with.

Reasons for Decision

The Tribunal issued the following Property Factor Enforcement Order (“PFEO”) on 8 August 2022 -

1. That the factor is required to provide an accounting to the applicant of all charges made in connection with the applicant’s property and, subject to the said accounting, to repay any sums due to the applicant.
2. The factor is required to provide to the applicant such documents that exist establishing for the applicant the applicant’s financial and other responsibilities in connection with the walls and communal parking areas in respect of maintenance and repair by the applicant of said walls and communal parking areas.
3. The factor is required to pay the applicant within fourteen days of intimation to them of the PFEO the sum of £1,000 to compensate the applicant for the inconvenience caused as a result of the factor’s failure to carry out his property factor’s duties.
4. The factor is required to pay the applicant the sum of £200 in respect of expenses following upon the adjourned hearing on 25 January 2022.

In terms of Section 23(1) of the 2011 Act, the Tribunal has considered whether the respondent has complied with the PFEO.

The Tribunal gave consideration to the extent which the PFEO has been complied with.

The applicant has confirmed compliance with the PFEO.

The Tribunal hereby finds that the PFEO has been complied with.

Appeal

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.

_____ Legal Member and Chair

27 September 2022

_____ Date