

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **PROPERTY FACTOR ENFORCEMENT ORDER**

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)  
Under section 17 of the Property Factors (Scotland) Act 2011**

**Chamber Ref:FTS/HPC/PF/20/0120**

**Flat 0/2, 23 Sutcliffe Road, Glasgow, G13 1BU ('the Property')**

**The Parties:**

**Maureen McCormack residing at Flat 0/2, 23 Sutcliffe Road, Glasgow, G13 1BU  
(‘the Homeowner’)**

**Glasgow Housing Association Limited, 25 Cochrane Street, Glasgow, G1 1HL  
(‘the Factor’)**

**Tribunal members:**

**Jacqui Taylor (Chairperson) and Andrew Taylor (Ordinary Member).**

### **NOTICE TO THE PARTIES**

The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the property factor’s duties in terms of the Property Factors (Scotland) Act 2011 (‘the 2011 Act’) determined that the Factor had failed to comply with section 2.1 of the Code of Conduct, all as stated in their decision dated 13<sup>th</sup> October 2020.

The Tribunal intimated to the parties, in terms of their said decision dated 13<sup>th</sup> October 2020, that they proposed to make a Property Factor Enforcement Order.

The parties made no substantive representations on the terms of the proposed Property Factor Enforcement Order.

In terms of section 19(3) of the Property Factors (Scotland) Act 2011 if the Tribunal are satisfied that the Factor has failed to carry out the property factors’ duties or, as the case may be, to comply with the section 14 duty, the Tribunal **must** make a property factor enforcement order. Consequently, the Tribunal make the following Property Factor Enforcement Order:

*'Glasgow Housing Association Limited are directed:-*

*(First) To send a formal written apology to Mrs McCormack, the Homeowner, in respect of their failure (i) to comply with section 2.1 of the Code regarding falsely advising the homeowner that the joists were part of the solum and as a result the joists were common parts of the tenement and (ii) for their delay in having the communal gutters repaired.*

*(Second) To remit the sum of £300 to Mrs McCormack, the Homeowner, from their own funds and at no cost to the owners of 23 Sutcliffe Road, Glasgow. The said sums to be paid by 31<sup>st</sup> December 2020. Glasgow Housing Association Limited are directed to provide the Tribunal with evidence that the said sums have been paid within seven days of the payment being remitted to the Homeowner.'*

**Failure to comply with a PFEO may have serious consequences and 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 .....

Chairperson Date: 17<sup>th</sup> November 2020