

Housing and Property Chamber

First-tier Tribunal for Scotland



Property Factor Enforcement Order: Property Factors (Scotland) Act 2011, section 19.

Chamber Ref: FTS/HPC/PF/18/1584

Re: Property at Flat 0/1, 65 Cherrybank Road, Merrylee, Glasgow G43 2NL (“the Property”)

Parties:

Mr Nathan Murdoch, residing at the property (“the homeowner”)

and

YourPlace Property Management Ltd, registered under the Companies Act 1985, No SC245072 and having its Registered Office at Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (“the factors”)

Tribunal Members:

David Preston (Legal Member) and Carol Jones, Surveyor (Ordinary Member) (“the tribunal”).

WHEREAS in its Decision dated 25 February 2019 the tribunal determined: that the factors had failed to comply with the Code of Conduct for Property Factors (“the Code”); and to issue a Property Factor Enforcement Order (PFEO):-

The required Notice of Proposed PFEO under section 19(2) of the Act was given to the parties on 27 February 2019 to allow them to make representations.

In response, the factors requested the tribunal to review, which it has done in terms of the Decision dated 18 July 2019 in which it determined not to vary the PFEO in terms of the Notice of Proposed PFEO.

Accordingly, the tribunal makes the following PFEO:

Within one month from the date of service of the PFEO to follow hereon, the factors to pay to the homeowner from their own funds the sum of £500 as compensation to him for the inconvenience occasioned by the factors’ breaches of the Code.

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

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.

David Preston

11 July 2019