

Housing and Property Chamber

First-tier Tribunal for Scotland



Property Factor Enforcement Order (“PFEO”) made under Section 19(3) of the Property Factors (Scotland) Act 2011 as amended (“the 2011 Act”) following upon a Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) in an application under Section 17(1) of the 2011 Act.

Chamber Reference: FTS/HPC/PF/22/3879

Re: Property at 18 The Meadows, Dalbeattie, DG5 4AS (“the Property”)

Parties:

Mr Tom Barry, 12 Hameau de la Ville, 50760 Anneville en Saire, France (“the Applicant”)

Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow, GL1 1HL (“the Respondent”)

Tribunal Members:

Martin McAllister, solicitor, (Legal Member) and Mary Leyden, (Ordinary Member) (“the tribunal”)

This document should be read in conjunction with the tribunal’s decision under section 19(1) (a) of the 2011 Act dated 25 August 2023 and its decision of even date with these presents.

The tribunal makes the following PFEO:

- 1. The Tribunal requires the Property Factor to pay the sum of Three Hundred pounds (£300) to the Homeowner within thirty days of the service on it of the final PFEO in terms of Section 19 (3) of the 2011 Act.**
- 2. The Property Factor undertakes that it will communicate with the Homeowner by using his preferred email address in relation to all matters concerning the Property to include, without prejudice to the foregoing, all financial statements, correspondence with regard to repair issues and general correspondence sent to all homeowners. The undertaking must be provided to the Tribunal within thirty days of the service on it of the final PFEO in terms of Section 19 (3) of the 2011 Act.**

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.

Martin J. McAllister,
Solicitor,
Legal Member
15 September 2023