

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) Property Factors (Scotland) Act 2011 (“the Act”)

Property Factor Enforcement Order (“PFEO”) Section 19

The First-tier Tribunal for Scotland, Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017 (“the regulations”)

Chamber Ref: FTS/HPC/PF/19/2070

Re.:1/2, 21 Newton Street, Greenock, PA16 8SA (the property)

The Parties:-

Mr Nicholas Paterson, TALPHA Investment Co. Ltd. 17 The Oval, Bicton, Shrewsbury, SY3 8ES (“the homeowner”)

Oak Tree Housing Association Ltd., 41 High Street, Greenock, PA15 1NR (“the property factor”) represented by Patten and Prentice solicitors, 3 Ardgowan Square, Greenock, PA16 8PP.

The Tribunal members: Simone Sweeney (legal chairing member) and Mary Lyden (ordinary housing member)

This document should be read in conjunction with the decision of the Tribunal of even date under the reference number noted above.

1. By decision of even date with this Notice, the Tribunal determined that the property factor has failed to comply with the preamble to section 3 of the Code of Conduct for Property Factors (“the Code”) as required by section 14 of that Act and the property factor’s duties in terms of section 17 of the Act.

2. Therefore, the Tribunal makes the following PFEO:

Within 14 days from the date of issue of this order, for the property factor to:-

- *provide to the homeowner payment of £250 by way of compensation for the time, preparation and inconvenience he has experienced in having to bring this application*

3. Section 19 of the 2011 Act provides:

"(2) In any case where the First-tier Tribunal proposes to make a property factor enforcement order, it must before doing so—

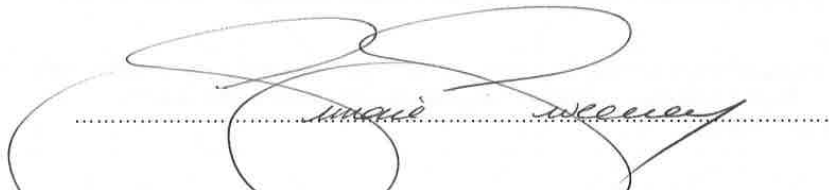
(a) give notice of the proposal to the property factor, and

(b) allow the parties an opportunity to make representations to it.

(3) If the First-tier Tribunal is satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, the First-tier Tribunal must make a property factor enforcement order.

(4) Subject to section 22, no matter adjudicated on by the First-tier Tribunal may be adjudicated on by another court or tribunal."

Failure to comply with a PFEO may have serious consequences and may constitute a criminal offence.

A handwritten signature in black ink, written over a horizontal dotted line. The signature is cursive and appears to read 'Mairi McNeill'.

Legal chairing member, at Glasgow on 19th December 2020

