



First-tier Tribunal for Scotland (Housing and Property Chamber)

Property Factor Enforcement Order: Section 19(3) of the Property Factors (Scotland) Act 2011 (“the Act”)

Chamber Ref: FTS/HPC/PF/20/2158

Re: Property at 189 Abbeyhill Street, Glasgow, G32 6LN (“the Property”)

The Parties:

Ms Alice Mooney, 189 Abbeyhill Street, Glasgow, G32 6LN (“the Homeowner”)

Your Place, 25 Cochrane Street, Glasgow, G1 1HL (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Mary Lyden (Ordinary Member)

DECISION

[1] The Tribunal has decided that it should make a Property Factor Enforcement Order (“PFEO”) in the terms originally proposed by it. The decision of the Tribunal is unanimous.

[2] The Tribunal proposed to make the following PFEO in its notice of proposal dated 4th August 2021:.

“Within 28 days of intimation of the PFEO, the Property Factor must make payment to the Homeowner of the sum of £250.00 in respect of the Property Factor’s failure to comply with Section 2.5 of the Code of Conduct for Property Factors in compensation to reflect the anxiety and distress caused to the Homeowner by the Property Factor’s said failure and in respect of the Homeowner’s time and inconvenience in dealing with the complaints process and Tribunal proceedings.”

[3] The Tribunal indicated that, prior to making a PFEO, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

[4] Neither the Homeowner nor the Property Factor made representations under section 19(2)(b) of the Act.

[5] By e-mail dated 17th August 2021, the Homeowner made application for a review of the Tribunal's decision of 4th August 2021. By decision dated 8th September 2021, the Tribunal refused the application for review of its decision.

[6] The Tribunal has now confirmed its decision made in terms of section 19(1)(a) of the Act, and it is appropriate that it makes a PFEO.

[7] The Tribunal hereby makes the following PFEO:

“Within 28 days of intimation of the PFEO, the Property Factor must make payment to the Homeowner of the sum of £250.00 in respect of the Property Factor's failure to comply with Section 2.5 of the Code of Conduct for Property Factors in compensation to reflect the anxiety and distress caused to the Homeowner by the Property Factor's said failure and in respect of the Homeowner's time and inconvenience in dealing with the complaints process and Tribunal proceedings. Failure to comply with a PFEO may have serious consequences and may constitute an offence.”

Right of Appeal

In terms of Section 46 of the Tribunal (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.

29 September 2021

Legal Member

Date