

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 (“Act”) Section 19(2)(a)**

**Chamber Ref: FTS/HPC/PF/21/1272**

**Re : 30/5 Eyre Crescent, Edinburgh EH3 5EU (“Property”)**

**The Parties:-**

**Aylmer Millen, 5 Hillpark Grove, Edinburgh EH4 7AP (“Homeowner”)**

**James Gibb Limited, 4 Atholl Place, Edinburgh EH3 8HT (“Factor”)**

**Tribunal Members:**

**Joan Devine – Chairing and Legal Member**

**Colin Hepburn – Ordinary Member**

**Decision**

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it. The decision of the Tribunal is unanimous.

**Reasons for the Decision**

1. In the Tribunal's decision of 23 August 2021 it proposed to make a PFEO.
2. The Tribunal indicated that prior to making a PFEO it would provide the Parties with a period of 14 days within which to make representations under section 19(2)(b) of the Act.
3. By email dated 6 September 2021 the Homeowner made representations which were considered by the Tribunal.
4. The Tribunal confirms its decision made in terms of section 19(1)(a) of the Act. The Tribunal agreed that it would be appropriate to make a PFEO.

**Property Factor Enforcement order**

The First-tier Tribunal makes the following PFEO:

The Factor will pay to the Homeowner within 21 days of the date of service of this order the sum of Two Hundred and Fifty Pounds (£250) from their own funds in order to compensate the Homeowner for the inconvenience caused as a result of the Factor's failure to comply with the Property Factors Code of Conduct.

**Failure to comply with a PFEO has serious consequences and may constitute an offence.**

## **Appeals**

In terms of section 46 of the Tribunals (Scotland) Act 2014 a homeowner or property factor 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.

\_\_\_\_\_ Legal Member and Chair

Date : 23 September 2021