

Housing and Property Chamber First-tier Tribunal for Scotland



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

Property Factor Enforcement Order following a Decision under Section 17 of the Act.

Chamber Ref: FTS/HPC/PF/21/1377

Re: 0/1,140, Lochleven Road, Glasgow, G42 9SQ (“The Property”)

The Parties:-

Mr Sam Webb residing at 0/1,140, Lochleven Road, Glasgow, G42 9SQ (“the Home owner”) and

W.M. Cumming, Turner and Watt having a place of business at 40, Carlton Place, Glasgow, G5 9TS (“the Factor”)

Tribunal Members

Karen Moore (Legal Member) and Mary Lyden (Ordinary Member)

Background

1. Having determined by Decision dated 12 October 2021 that the Factor had failed to comply with its Property Factor Duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEO”), the Tribunal gave Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following, PFEO and invited the parties to make representations:-

“By [a date no earlier than three weeks of the date of the PFEO], the Factor must at its own cost and expense

- (i) refund to the Homeowner the sum of £1,453.20 which he was bound to pay as a consequence of the Factor providing inaccurate and false information;*
- (ii) compensate the Homeowner in the sum of £1,000.00 for the distress, inconvenience and stress caused to him by the Factor’s actions and*
- (iii) reimburse the Homeowner the sum of £200.00 towards the cost of making good décor following the completion of the dry rot works. ”*

2. No representations were received and so the Tribunal now makes the following PFEO:-

No later than 10 December 2021 the Factor must at its own cost and expense

1. **refund to the Homeowner the sum of £1,453.20 which he was bound to pay as a consequence of the Factor providing inaccurate and false information;**
2. **compensate the Homeowner in the sum of £1,000.00 for the distress, inconvenience and stress caused to him by the Factor's actions and**
3. **reimburse the Homeowner the sum of £200.00 towards the cost of making good décor following the completion of the dry rot works.**

Appeal

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

Karen Moore

Chairperson

18 November 2021