

Housing and Property Chamber First-tier Tribunal for Scotland



Property Factor Enforcement Order: Property Factors (Scotland) Act 2011, section 19(2)(a).

Chamber Ref: FTS/HPC/PF/19/1395

Re: Property at 22 Jerviston Court, Motherwell Lanarkshire ML1 4BS (“the Property”)

Parties:

Miss Sophie Wells, residing at 22 Jerviston Court, aforesaid (“the homeowner”)

and

Apex Property Factor Ltd, Company Number SC419173, 46 Eastside, Kirkintilloch, East Dunbartonshire G66 1QH (“the factors”)

Tribunal Members:

David Preston (Legal Member) and Carol Jones, Surveyor (Ordinary Member).

WHEREAS in its Decision dated 4 February 2020 the tribunal determined: that the factors had failed to comply with the Code of Conduct for Property Factors (“the Code”) and with their duties under the Act; and to issue a Property Factor Enforcement Order (PFEO):

The required Notice of Proposed PFEO under section 19(2) of the Act was given to the parties on 5 February 2020 to allow them to make representations.

Neither party has made any representations in relation to the proposed PFEO.

Accordingly, the tribunal makes the following PFEO:

Within one month from the date of service of the PFEO to follow hereon, the factors to pay to the homeowner from their own funds the sum of ONE THOUSAND FIVE HUNDRED POUNDS (£1500) as compensation to her for the inconvenience occasioned by the factors’ breaches of the Code and their duties under the 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.

2 February 2020