

Housing and Property Chamber

First-tier Tribunal for Scotland



PROPERTY FACTOR ENFORCEMENT ORDER

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011**

Chamber Ref:FTS/HPC/PF/19/3715

17K Blairmore Road, Greenock,PA15 3JT ('the Property')

The Parties:

Mrs Jenny Buckley residing at 17K Blairmore Road, Greenock, PA15 3JT ('The Homeowner')

Riverclyde Homes, Roxburgh House, 102- 112 Roxburgh Street, Greenock, PA15 4JT ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Kingsley Bruce (Ordinary Member).

NOTICE TO THE PARTIES

The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the property factor's duties in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with section 2.1 of the Code of Conduct, all as stated in their decision dated 21st September 2020.

The Tribunal intimated to the parties, in terms of their said decision dated 21st September 2020, that they proposed to make a Property Factor Enforcement Order, requiring the Factor to pay Mrs Buckley the sum of £250. The parties were given notice that they should ensure that any written representations they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and this notice is intimated to them.

Mrs Buckley sent the Tribunal written representations to the effect that during the hearing Mr Orr had volunteered to let Mrs Buckley have details as to how the grant had been calculated but she had not received this information. The Factor sent the Tribunal a copy of the letter they sent to Mrs Buckley dated 18th January 2021 which gave details of how the grant had been calculated.

The parties made no other substantive representations on the terms of the proposed Property Factor Enforcement Order.

In terms of section 19(3) of the Property Factors (Scotland) Act 2011 if the Tribunal are satisfied that the Factor has failed to carry out the property factors' duties or, as the case may be, to comply with the section 14 duty, the Tribunal **must** make a property factor enforcement order. Consequently, the Tribunal make the following Property Factor Enforcement Order:

'River Clyde Homes are directed to remit the sum of £250 to Mrs Jenny Buckley, the Homeowner, from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to them of the Property Factor Enforcement Order. River Clyde Homes are directed to provide the Tribunal with evidence that the said sums have been paid within seven days of the payment being remitted to the Homeowner.'

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

Appeals

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.

Signed

Chairperson Date: 19th February 2021