

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)
In an Application under section 17 of the Property Factors (Scotland) Act 2011

by

Laura Westley, 28 Morton Road, Aylesbury, Norfolk NR11 6BA (“the Applicant”)

Lets Move Letting and Mortgage Centre, 10 Ferry Brae, Dunoon, Argyll & Bute PA23 7DJ (“the Respondent”)

Reference No: FTS/HPC/PF/20/2275

Re: Property at 8 Kilmun Court, Dunoon PA23 8SF (“the Property”)

Tribunal Members:

John McHugh (Chairman) and Mike Scott (Ordinary (Housing) Member).

DECISION

We are of the view that we should make a property factor enforcement order in accordance with the terms of the Proposed Property Factor Enforcement Order.

Our decision is unanimous.

REASONS FOR DECISION

In our decision of 28 January 2021 we indicated that we proposed to make a property factor enforcement order (“PFEO”).

We indicated that, prior to making a property factor enforcement order, we would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

The Applicant has made representations dated 22 February 2021 confirming she has received no contact from the Respondent.

The Tribunal has received no response from the Respondent.

Property Factor Enforcement Order

We hereby make the following Property Factor Enforcement Order (“PFEO”):

Within 31 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 *Pay to the Applicant the sum of £400, such payment to be by way of a cheque made payable to the Applicant or bank transfer as opposed to a credit to her factoring account.*
- 2 *Confirm in writing to the office of the Tribunal that step 1 above has been carried out.”*

Failure to comply with a property factor enforcement order may have serious consequences and may 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.

JOHN M MCHUGH

Date 1 March 2021

Chairperson