

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order under Section 19 of the Property Factors (Scotland) Act 2011 (the Act)

Case reference: FTS/HPC/PF/19/2260

Re:- 100 Rockbank Crescent, Glenboig, North Lanarkshire ML5 2TA

The Parties:-

Mr John Wallace, 100 Rockbank Crescent, Glenboig, North Lanarkshire ML5 2TA ('the homeowner');

and

Newton Property Management, 87 Port Dundas Road, Glasgow G4 0HF ('the respondent')

Tribunal Members:

Richard Mill (legal member) and Mary Lyden (ordinary member)

1. Reference is made to the Tribunal's principal decision of 15 November 2019 and the decision of even date following Review / consideration of the parties submissions on the earlier proposed PFEO.
2. The Tribunal makes a Property Factor Enforcement Order in the following terms:-
 - "1. The respondent shall credit the homeowner's factoring account to the extent of £850.00 within 7 days of the homeowner clearing the remaining balance of his account in the sum of £514.76 (equal to the total balance on the account as at 7 January 2020 of £1,364.76 less the £850.00 credit).
 2. The respondent shall issue a letter of apology to the homeowner for having breached sections 1, 2.5 and 4.8 of the Code. The respondent shall also issue a letter of satisfaction to the homeowner confirming that all debts and sums due under any Court Decree have been paid and settled in full. Said letters are to be issued within 7 days."

3. Failure to comply with a PFEO 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.

Legal Member

Date : 5 March 2020