



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

Proposed Property Factor Enforcement Order: Section 19(2)(a) of the Property Factors (Scotland) Act 2011 (“the Act”)

Chamber Ref: FTS/HPC/PF/21/2091

Re: Property at 16 Battlefield Avenue, Glasgow, G42 9HP (“the Property”)

The Parties:

Mr John Kennedy, 24 Loughtoun Gardens, Cumbernauld, G67 4EZ (“the Homeowner”)

Cumming, Turner & Watt, 40 Carlton Place, Glasgow, G5 9TS (“the Property Factor”)

Tribunal Members:

Neil Kinnear (Legal Member) and Ahsan Khan (Ordinary Member)

DECISION

[1] This document should be read in conjunction with the Tribunal’s Decision under Section 19(1)(a) of the Act of the same date.

[2] The Tribunal proposes to make the following Property Factor Enforcement Order (“PFEO”).

[3] Within 28 days of intimation of the PFEO, the Property Factor must make payment to the Homeowner of the sum of £1,500.00 in respect of the Property Factor’s failure to comply with sections 1, 2.5, 3.3, 4.1, 4.3, 6.1, 6.9 and 7.1 of the Code of Conduct for Property Factors in compensation to reflect the anxiety and distress caused to the Homeowner by the Property Factor’s said failure and in respect of the Homeowner’s time and inconvenience in dealing with the complaints process and Tribunal proceedings and also in respect of the sums claimed by the Property Factor from the Homeowner, much of which amount the Property Factor appears to accept should be waived by it as a result of its failings.

[4] The intimation of the Tribunal's decision and this notice of proposal to make a PFEO should be taken as notice for the purposes of section 19(2)(a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) of the Act reach the Tribunal by no later than 14 days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the Tribunal is likely to proceed to make a PFEO without seeking further representations from the parties.

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

06/01/2022

Legal Member

Date