

Housing and Property Chamber First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order following a Decision under Section 17 of the Act.

Reference numbers:

FTS/HPC/PF/23/0571

FTS/HPC/PF/23/0575

Re: Flats at 0/1 and 3/1, 64, Thornwood Drive, Glasgow, G11 7PS (“the Properties”)

The Parties:

Dr. Kate Black, residing at Flat 0/1, 64, Thornwood Drive, Glasgow, G11 7PS and Mr. Paul Karnowski, residing at Flat 3/1, 64, Thornwood Drive, Glasgow, G11 7PS (“the Homeowners”)

Lowther Homes, having a place of business at Wheatley House, 25 Cochrane Street, Glasgow G1 1HL (“the Property Factor”)

Tribunal Members

Karen Moore (Chairperson) Mike Links (Ordinary Member)

Background

Having determined by Decision dated 05 October 2023 that the Property Factor had failed to comply with the Section 14 duty and its property factor’s duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEO”), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following PFEO and invites the Parties to make representations no later than 14 July 2023:-

Proposed PFEO:

No later than [3 weeks from date of PFEO] the Property Factor must at its own cost and expense

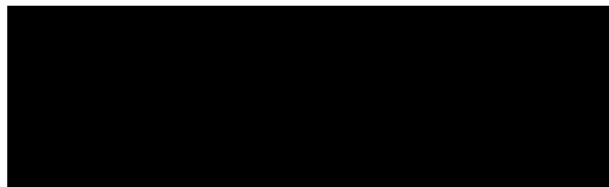
1. Provide the Homeowners and the Tribunal with the information requested by them in respect of the Common Repair proposed by the Property Factor on 18 May 2022 including the scope of the works, the rates for the works, the Property Factor’s

reasons for (i) selecting City Building for the work and not putting the work to tender and (ii) not seeking a guarantee for the work;

2. Provide the Homeowners and the Tribunal with a named property manager or contact for the Properties with whom the Homeowners can communicate directly in future;
3. Provide the Homeowners and the Tribunal with the schedule for routine building and backcourt inspections and maintenance for the current year and confirm whether or not the schedule has been complied with to date;
4. Provide the Homeowners and the Tribunal with their proposals for carrying out the recommendations listed in the August/ September 2023 Report issued to Dr. Black and carry out these recommendations at their own cost;
5. Compensate each Homeowner in the sum of £500.00 by a direct payment and not by a credit to their common charges account for the loss and suffering caused to them by the Property Factor's actions;
6. Refund to the Homeowners all of the management fees and backcourt maintenance paid by them to the Property Factor since 16 August 2021, the date on which the relevant Property Factor Code of Conduct came into force;
7. Refund £150.00 to each Homeowner by a direct payment and not by a credit to their common charges account in respect of the roof repair arranged and paid for by them.
8. Evidence to the Tribunal that items 1-7 above have been carried out.

Appeal

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.



Karen Moore,

Chairperson

5 October 2023

