

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland Housing and Property Chamber issued under Section 21 of the Property Factors (Scotland) Act 2011

Chamber reference: FTS/HPC/PF/19/2658

The Parties:

Dr Kirsten Swindells, 2/6 Bethlehem Way, Edinburgh EH7 6FB (“the homeowner”)

and

Life Property Management Limited, incorporated in Scotland (SC253869) and having their Registered Office at 11 Somerset Place, Glasgow G3 7JT (“the property factors”)

Property: 2/6 Bethlehem Way, Edinburgh EH7 6FB (“the Property”)

Tribunal Members – George Clark (Legal Member/Chairman) and Andrew Murray (Ordinary Member)

Decision

The Tribunal determined that the property factors have complied with the terms of the Property Factor Enforcement Order made by the Tribunal on 15 April 2020. Accordingly, the Order is no longer necessary and is hereby revoked

The Decision is unanimous.

Background

On 29 February 2020, the Tribunal determined that the property factors had failed to comply with their duties in terms of the Section 6.1 of the Code of Conduct made under Section 14 of the Property Factors (Scotland) Act 2011. On 15 April 2020, the Tribunal made a Property Factor Enforcement Order, requiring the property factors to compensate the homeowner in the sum of £50 in respect of their failure to comply.

On 4 May 2020, the property factors provided evidence to the Tribunal that they had credited the homeowner’s factoring account with the sum of £50 on 28 April 2020


and that they had, as a goodwill gesture, credited the account with a further £30. They also stated that they had arranged for the stair carpet to be cleaned and had obtained consent from a majority of owners in the block to the repair of the front entrance door.

Reasons for the Decision

As the property factors have complied with the terms of the Property Factor Enforcement Order made by the Tribunal, the Order is no longer necessary and should be revoked.

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.


Signature of Legal Chair

Date 13 May 2020