

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Decision by the Tribunal

**In an Application under section 17 of the Property Factors (Scotland) Act 2011
("the 2011 Act")**

by

David Watson, 93 City Apartments, Chapel Street, Aberdeen AB10 1SS ("the Applicant")

James Gibb Property Factors, 65 Greendyke Street, Glasgow G1 5PX ("the Respondent")

Re: Property at 93 City Apartments, Chapel Street, Aberdeen AB10 1SS ("the Property")

Chamber Ref: FTS/HPC/PF/21/1287

Tribunal Member:

John McHugh (Legal Member)

Decision

The Tribunal decides to issue a Property Factor Enforcement Order in its originally proposed form.

Reasons for Decision

In this decision we refer to the Property Factors (Scotland) Act 2011 as “the 2011 Act” and the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors as “the Code”.

On 23 February 2022, the Tribunal issued its decision that the Respondent had failed to carry out its duties under section 14 of the 2011 Act. The Tribunal issued a Proposed Property Factor Enforcement Order (“PFEO”) to the parties for comment on the same date in the following terms:

“Within 35 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 £300, such payment to be by way of a cheque made payable to the Applicant or bank transfer as opposed to a credit to his factoring account.*
- 2 Confirm in writing to the office of the Tribunal that step 1 and 2 above has been carried out.”*

No comments were received from the parties. The matter is one for the Tribunal’s discretion and we are of the view that the Proposed PFEO is in appropriate terms and, accordingly, in terms of section 19(3) of the 2011 Act we hereby issue the following PFEO:

“Within 35 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 3 Pay to the Applicant the sum of £300, such payment to be by way of a cheque made payable to the Applicant or bank transfer as opposed to a credit to his factoring account.*
- 4 Confirm in writing to the office of the Tribunal that step 1 and 2 above has been carried out.”*

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.



Date 25 May 2022

JOHN M MCHUGH

Chairing Member

