

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)
In an Application under section 17 of the Property Factors (Scotland) Act 2011

by

Laura Westley, 28 Morton Road, Aylesbury, Norfolk NR11 6BA (“the Applicant”)

Lets Move Letting and Mortgage Centre, 10 Ferry Brae, Dunoon, Argyll & Bute PA23 7DJ (“the Respondent”)

Reference No: FTS/HPC/PF/20/2275

Re: Property at 8 Kilmun Court, Dunoon PA23 8SF (“the Property”)

Tribunal Members:

John McHugh (Chairman) and Mike Scott (Ordinary (Housing) Member).

Decision

The Tribunal hereby determines that the Property Factor Enforcement Order has not been complied with.

The decision is unanimous.

Reasons for Decision

The Tribunal issued a Property Factor Enforcement Order (“PFEO”) on 1 March 2021 in the following terms:

“Within 31 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 £400, such payment to be by way of a cheque made payable to the Applicant or bank transfer as opposed to a credit to her factoring account.*
- 2 *Confirm in writing to the office of the Tribunal that step 1 above has been carried out."*

In terms of section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.

The Tribunal gave consideration to the extent to which the PFEO had been complied with.

The Applicant has made a written submission to the Tribunal confirming that it has received no payment or contact from the Respondent. The Respondent has emailed to indicate that it had been unaware of the existence of the application although it has offered no explanation as to why that might be the case. The Tribunal has in response provided to the Respondent a copy of the documents relating to the application including the Tribunal's Decisions. No further contact has been received from the Respondent.

The Tribunal hereby finds that the PFEO has not been complied with.

This non-compliance will be brought to the attention of the Scottish Government's property factor registration team and may be taken into account by them in determining whether the Respondent ought to hold registration as a property factor.

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.

Signed **Date 14 May 2021**

JOHN M MCHUGH

Chairperson

