

# Housing and Property Chamber

First-tier Tribunal for Scotland



**Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 ("the Act") following upon a Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland in an application under Section 17(1) of the Act**

**Chamber Ref:**

**FTS/HTC/PF/23/3425**

**Property Address:**

**10 McVicars Lane, Dundee, DD1 4LH  
("the property")**

**The Parties**

**Mr Logan Reidy, 10  
McVicars Lane, Dundee,  
DD1 4LH ("the  
homeowner")**

**James Gibb Residential  
Factors, Bellahouston  
Business Centre, 423 Paisley  
Road West, Glasgow, G51  
1PZ ("the property factor")**

**Tribunal Members:**

Mr Mark Thorley (Legal Member)  
Mr Donald Wooley (Ordinary Member)

**This document should be read in conjunction with the Tribunal's decision under section 19(1)(a) of the same date.**

The Tribunal proposes to make the following Property Factor Enforcement Order ("PFEO")

**Within 28 days of the communication to the property factors of the PFEO the property factors shall make payment to the home owner of the sum of £1000.00 ( One Thousand Pounds and , during that same 28 day period, provide the**

## **home owner with a written apology**

1. The First Tier Tribunal for Scotland Housing and Property Chamber determined that the property factors have failed to comply with the Sections 2, 6 and 7 of the Property Factors Code of Conduct effective from 16 August 2021. The Tribunal proposes making a Property Factor Enforcement Order.

Section 19 of the Act provides as follows

2. *“... (2) In any case where the tribunal proposes to make a property factor enforcement order, they must before doing so...*
3. *(a) give notice of the proposal to the property factor, and*
4. *(b) allow the parties an opportunity to make representations to them.*
5. *(3) If the tribunal are satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor’s duties or, as the case may be, to comply with the section 14 duty, the committee must make a property factor enforcement order...”*
6. The intimation of the Tribunal’s Decision and this notice of proposal to make a PFEO to the parties 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’s office 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 property factor enforcement order (“PFEO”) without seeking further representations from the parties.
7. Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

**Mark Thorley**

Chairperson

5 March 2025

Date