

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) of the Property Factors (Scotland) Act 2011**

**Chamber ref:HOHP/PF/16/0111**

**Flat 0/1, 50 Garscadden Road, Glasgow, G15 6UL ('the Property')**

**The Parties:**

**Mrs Irene Purdie residing at the Property ('the Homeowner')**

**Be-factored Limited, 2A North Kirklands, Eaglesham Road, Glasgow, G76 0NT ('the Factor')**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (formerly the Homeowner Housing Committee) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Jean Thomson (Ordinary Member).**

### **NOTICE TO THE PARTIES**

Whereas in terms of their decision dated 25<sup>th</sup> January 2017, the Tribunal decided that the Factor had failed to comply with sections 2.5 and 3.2 of the Code of Conduct, all as stated in the said decision; The Tribunal proposes to make a property factor enforcement order in the following terms:

*'Be-factored Limited are directed to remit the sum of £277.18 to the new factor within 14 days of the date hereof and request them to forward this sum to the Homeowner in respect of her share of the retained sums, within 14 days of the said request.'*

This intimation of the Tribunal's Decision and this Notice to make a Property Factor Enforcement Order 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 Housing and Property Chamber'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.

Failure to comply with a PFEO may have serious consequences and constitute an offence.

## **Appeals**

**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.**

J Taylor

Signed .... .... Chairperson Date: 25<sup>th</sup>January 2017