

Housing and Property Chamber

First-tier Tribunal for Scotland



Property Factor Enforcement Order (“PFEO”) made under Section 19(3) of the Property Factors (Scotland) Act 2011 as amended (“the 2011 Act”) following upon a Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) in an application under Section 17(1) of the 2011 Act. Chamber Reference: FTS/HPC/PF/22/3888

Re: Flat 2/2, 1 Donaldson Drive, Edinburgh, EH12 5FS (“the Property”)

Parties:

Mr Tim Latham, Flat 2/2, 1 Donaldson Drive, Edinburgh, EH12 5FS (“the Applicant”)

First Port Property Services Scotland Ltd, 3rd Floor, Troon House, 199 St Vincent Street, Glasgow, G2 5QD (“the Respondent” or “the Property Factor”)

Tribunal Members:

Martin McAllister, solicitor, (Legal Member) and Ahsan Khan, (Ordinary Member) (“the tribunal”)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) considered matters and determined that a property factor enforcement order should be made.

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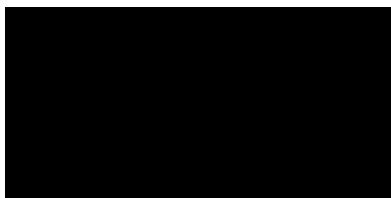
This document should be read in conjunction with the tribunal’s decision under section 19(1) (a) of the 2011Act dated 7 June 2023 and its decision of even date with this PFEO.

The tribunal makes the following PFEO:

The Property Factor undertakes that, in relation to the development where the Property is situated, it will have regard to the terms of the relevant development management scheme and titles in relation to arrangements for general meetings of homeowners and the distribution of minutes for such meetings. It undertakes that general meetings will not be held virtually until and unless the Deeds of the development permit such arrangements.

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

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.



Martin J. McAllister,
Solicitor,
Legal Member
15 September 2023