

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Amended Proposed Property Factor Enforcement Order ("PFEO")

under Property Factors (Scotland) Act 2011 section 19(2)

Chamber Ref: FTS/HPC/PF/17/0353

Re : Property at 18 Broom Drive, North Kilbowie, Clydebank G81 3HY ("the Property")

The Parties:-

Myra Martin, 43 Kirk Crescent, Old Kilpatrick, G60 5NJ ("the Homeowner")

West Dunbartonshire Council, Regeneration, Environment & Growth, Council Offices, Garshake Road, Dumbarton G82 3PU ("the Factor")

Tribunal Members:-

David Bartos (Legal Member and Chair)
Ann MacDonald (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal's Decision of the same date.

The First-tier Tribunal proposes to make the following Property Factor Enforcement Order ("PFEO"):

The Factor shall, within 2 weeks of the notification of this Order :

- (1) in respect of the invoice invoice No. 505768119 issued to the Homeowner and Mr A. Martin dated 27 January 2017 issue a credit note to the Homeowner and Mr A. Martin to the value of £1,076.32 back-dated to 27 January 2017;
- (2) pay to the Homeowner the sum of seven hundred and fifty pounds sterling (£ 750.00).

Section 19 of the 2011 Act provides as follows:

"(2) In any case where the First-tier Tribunal proposes to make a property factor enforcement order, it must before doing so—

(a)give notice of the proposal to the property factor, and

(b)allow the parties an opportunity to make representations to it.

(3)If the First-tier Tribunal is 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 First-tier Tribunal must make a property factor enforcement order."

The intimation of the First-tier Tribunal's Decision and this proposed PFEO to the parties should be taken as notice for the purposes of section 19(2)(a). Parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) reach the First-tier Tribunal by no later than 14 days after the date that the Decision and this proposed PFEO is sent to them by the First-tier Tribunal. If no representations are received within that timescale, then the First-tier Tribunal is likely to proceed to make a PFEO without seeking further representations from the parties.

Failure to comply with a PFEO once made has serious consequences and may constitute an offence.

Legal Member and Chair

5 January 2018 _____ Date