

# 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/17/0006**

**4 The Park, Victoria Road, Forres, IV36 3AH ('the Property')**

**The Parties:**

**Elizabeth Bruce and Ricardo Petrocelli ('the Homeowner')**

**James Gibb Residential Factors, 2 Thistle Street, Aberdeen, AB10 1XZ ('the Factor')**

**Committee members:**

**Jacqui Taylor (Chairperson) and Andrew Taylor (Ordinary Member).**

### **NOTICE TO THE PARTIES**

Whereas in terms of their decision dated 12th July 2017, the Tribunal decided that the Factor had failed to comply with sections 1, 2.5, 5.6 and 5.7 of the Code of Conduct, and the Property Factor's duties, all as stated in the said decision; The Tribunal proposes to make a property factor enforcement order in the following terms:

*'James Gibb Residential Factors are directed to pay the Homeowner £550 as compensation from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to them of the Property Factor Enforcement Order'*

**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 (PFOE) without seeking further representations from the parties.**

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

## **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.

J Taylor  
Signed Chairperson Date: 12th July 2017