

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order ("PFEO"): Property Factors (Scotland) Act 2011 Section 19(2)

**Chamber Ref: FTS/HPC/PF/21/0183
FTS/HPC/LM/21/0786**

Re: Property at House G Eastwood Court, 2B Crosslees Drive, Thornliebank, G46 7RS ("the First Property") and

Property at House 4 D Crosslees Court, Crosslees Drive, Thornliebank, Glasgow G46 7RT ("the Second Property")

The Parties:

Mr Adam Moad, 48 Glenmill Avenue, Darnley, Glasgow, G53 7XF ("the First Applicant" and "Mr Moad")

Ms Maureen McAlpine, 32 Orchard Drive, Glasgow G46 7NU ("the Second Applicant" and "Ms McAlpine")

East Renfrewshire Council, Housing Services, 211 Main Street, Barrhead, East Renfrewshire, G78 1SY ("the Respondent")

Tribunal Members:

**Martin McAllister (Legal Member)
Helen Barclay (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 Respondent to pay the sum of £2,500 to each of the applicants. Payment is to be effected by the Respondent reducing the sum due by each applicant in respect of the current contract for the repair and partial reconstruction of the common wall at Crosslees Drive, Thornliebank, Glasgow.

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) and 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 property factor enforcement order without seeking further representations from the parties.

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

Martin J. McAllister
Legal Member
26th September 2021