

# 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 Reference: FTS/HPC/PF/21/1864**

**Re the Property at 0/1 1840 Great Western Road, Anniesland, Glasgow, G13 2TN (“the Property”)**

**The Parties:**

**Craig McNicol, 61 Langdale Road, Sale, M33 4FL (“the Applicant”) and  
Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL (“the Respondent”)**

**Tribunal Members:**

**G. McWilliams, Legal Member  
D Godfrey, Ordinary Member**

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

**The First-tier Tribunal (“the Tribunal”) proposes to make the following PFEO:**

- i) The Respondent is to make a compensation payment to the Applicant, in the sum of £500.00, within 28 days of the date of issue of the PFEO; and
- ii) The Respondent is to provide the Applicant with a written report from a suitable specialist, within 42 days of the date of issue of the PFEO, which confirms;
  - a) full details of all works done at the Property in July 2021, in respect of the rot outbreak there; and
  - b) whether or not all of the rot, which was discovered, has been eradicated.
- iii) The Respondent is to lodge a copy of the report, referred to above, with the Tribunal’s office, also within 42 days of the date of issue of the PFEO.

**Section 19(2) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”) provides as follows:**

The intimation of the Tribunal’s Decision and proposed PFEO to the parties should be taken as notice for the purposes of Section 19(2)(a) of the 2011 Act. Parties are hereby given notice that they should ensure that any written representations which they wish to make in terms of Section 19(2)(b) of the 2001 Act reach the Tribunal no later than 14 days after the date that the Decision and proposed PFEO are sent to them by the Tribunal. If no representations are received within that timescale the Tribunal can issue a PFEO without seeking further representations from the parties.

**In terms of Section 24 (1) of the 2011 Act, a person/ body who, without reasonable excuse, fails to comply with a PFEO, commits an offence.**

**Legal Member      22<sup>nd</sup> February 2022.**