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Housing and Property Chamber
First-tier Tribunal for Scotland



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

Property Factors (Scotland) Act 2011 ("the Act") Section 19

Proposed Property Factor Enforcement Order

Chamber Ref: FTS/HPC/PF/23/1788

Flat 1 Broomvale Court, 267 Mearns Road, Newton Mearns, Glasgow, G77 5LU ("The Property")

The Parties:-

Mr Jonathan Sammeroff, residing at Flat 1 Broomvale Court, 267 Mearns Road, Newton Mearns, Glasgow, G77 5LU("the Applicant")

Hacking & Paterson Management Services Ltd, a Company incorporated under the Companies Acts (Company Number SC073599) and having their registered office at 1 Newton Terrace, Glasgow, G3 7PL ("the Respondent")

Tribunal Members:

Mr E K Miller (Legal Member)
Mrs E Dickson (Ordinary Member)

This document should be read in conjunction with the Tribunal's decision of 6 February 2025

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

1. "Within 30 days of service of the PFEO on the Respondent, the Respondent shall pay the Applicant the sum of £750."

Section 19 of the 2011 Act provides as follows:-

"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.

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

Appeals

A homeowner or property factor 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.

Legal Member and Chair

6 February 2025

Date