

# Housing and Property Chamber

## First-tier Tribunal for Scotland



and Property Chamber) (“the  
("the Act") Section 19  
Order

First-tier tribunal for Scotland (Housing  
Tribunal”)  
Property Factors (Scotland) Act 2011  
Proposed Property Factor Enforcement

**Chamber Ref:**

FDS/HPC/PF/23/2851 and

FDS/PF/23/2852

**Property Address:**

Flat 2/6, The Pirns, King Street,  
Galashiels, TD1 1PX

**The Parties**

Mr Duncan McGill, 10  
Dingleton Drive, Melrose,  
TD6 9JL (“the homeowner”)

James Gibb Residential  
Factors, Bellahouston  
Business Centre, 423 Paisley  
Road West, Glasgow, G51 1PZ  
("the property factor")

**Tribunal Members:**

Mr Mark Thorley (Legal Member)  
Mr Donald Wooley (Ordinary Member)

This document should be read in conjunction with the decision of the same date

**The First Tier Tribunal for Scotland proposes to make a Property Factor**

**Enforcement Order ( PFEO) requiring the property factor to make payment to the homeowner of the sum of £1200 ( On Thousand two Hundred Pounds ) within a period of 30 days**

**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 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.

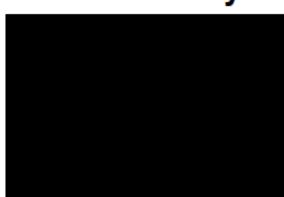
If no representations are received within that timescale, then the First-tier Tribunal is likely to proceed to make a property factor enforcement order without seeking further representations from the parties.

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