

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")

Property Factor Enforcement Order ("PFEO") Section 19

The First-tier Tribunal for Scotland, Housing and Property Chamber (Rules of Procedure)

Amendment Regulations 2017 ("the regulations")

Chamber Ref: FTS/HPC/LM/20/2593

Re.: Rozelle Avenue Place and Drive, Waterside, Newton Mearns, G77 6YS ("the property")

The Parties:-

Mr Peter Allish, 16 Rozelle Avenue, Newton Mearns, G77 6YS ("the homeowner")

Hacking and Paterson Management Services, 1 Newton Terrace, Glasgow, G3 7PL ("the property factor")

The Tribunal members: Simone Sweeney (legal chairing member) and Carol Jones (ordinary surveyor member)

This document should be read in conjunction with the decision of the Tribunal of even date under the reference number noted above.

1. By decision of 26th August 2021, the Tribunal determined that the property factor has failed to comply with the Property Factor's duties as required by section 17 (1) (a) of the Act.

2. Therefore, the Tribunal makes the following PFEO:

Within 28 days from the date of issue of this order, for the property factor to:-

- *Provide to the homeowner payment of £250 by way of compensation for the time, preparation and inconvenience he has experienced in bringing this application.*

- *To provide evidence of the above to the Tribunal's administration.*

3. Section 19 of the 2011 Act provides:

"(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.

(4) Subject to section 22, no matter adjudicated on by the First-tier Tribunal may be adjudicated on by another court or tribunal."

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



Legal chairing member, at Glasgow on 17th January 2022