

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/19/3291

127 Main Street, Bellshill, ML4 3DZ ("The Property")

The Parties:-

Miss Susan Mynehan, 127 Main Street, Bellshill, ML4 3DZ ("the Homeowner")

W.M. Cumming, Turner and Watt, Property Managers, 40 Carlton Place, Glasgow, G5 9TS ("the Property Factor")

Tribunal Members:

Martin J. McAllister, Solicitor (Legal Member)

Robert Buchan, Chartered Surveyor (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 property factor is required to pay compensation of £100 to the homeowner and this requires to be paid within twenty one days of service on the property factor of the final property factor enforcement order.

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.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

Martin J. McAllister, Legal member
5th March 2020