

Housing and Property Chamber

First-tier Tribunal for Scotland



Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 ("the 2011Act") following upon a Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under Section 17(1) of the 2011Act

Chamber Ref: HOHP/PF/15/0123

Re: 2/1, 139 Gatehouse Street, Sandyhills, Glasgow, G32 9BZ ('the property')

The Parties:

Mrs Isabel Marshall, Re: 2/1, 139 Gatehouse Street, Sandyhills, Glasgow, G32 9BZ ('the homeowner'), represented by Ms Deborah Carmichael, solicitor.

Your Place Property Management, Granite House, 177 Trongate, Glasgow G15HF ('the property factor')

Members of the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") : Martin McAllister, solicitor, legal member and Kingsley Bruce, surveyor, ordinary member.

This document should be read in conjunction with the tribunal's Decision under Section 19(1) (a) of the 2011 Act of the same date.

The tribunal proposes to make the following Property Factor Enforcement Order (PFEO):

1. The property factor is to pay the sum of £2500 to the homeowner in respect of compensation and that such sum is to be paid within twenty eight days of the service of the property factor enforcement order.

2. The property factor is to provide an undertaking to the Tribunal that it will, in future, prior to seeking approval for any works requiring to be done to properties it factors, ensure that it takes all reasonable steps to properly ascertain the actual extent of any works which may be required and to carry out such investigative work as may be required to ensure that homeowners are not put to unnecessary expense by agreeing to work which is not required. Such undertaking is to be given within twenty eight days of the service of the property factor enforcement order.

Section 19 of the 2011 Act provides as follows:

“... (2) In any case where the committee proposes to make a property factor enforcement order, they 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 them.

(3) If the committee are 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 committee must make a property factor enforcement order...”

The intimation of the tribunal's Decision and this notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the 2011 Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the office of the Housing and Property Chamber of the First-tier Tribunal for Scotland no later than twenty one days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the tribunal is likely to proceed to make a property factor enforcement order (“PFEO”) without seeking further representations from the parties.

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

Martin McAllister


Martin J. McAllister
Legal Member,
Housing and Property Chamber
First-tier Tribunal for Scotland
19th December 2016