

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)

Applicants, Properties and Tribunal reference numbers:

Agnes McIlvride	Flat 7H Glenford Place, Ayr, Ayshire, Scotland, KA7 1LB	FTS/HPC/PF/18/3296
Myra Hessett	4D Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3309</u>
William Purdie	4E Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3310</u>
Alan Mora	4F Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3312</u>
William Adams	Flat 4G, Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3313</u>
Julian Mithoff	4H Glenford Place, Ayr, South Ayrshire, KA7 1LB	FTS/HPC/PF/18/3315
Myra Jones	4A Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3316</u>
John Struthers	7J Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3317</u>
Jacqueline McLean	4b Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3318</u>
Ian Stuart	6B Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3338
Bruce McMaster	5B Glenford Place, Ayr, South Ayrshire, KA7 1LB	<u>FTS/HPC/PF/18/3339</u>

Anne McBride	6D Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3340</u>
Bogdan Tataru	5A Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3341</u>
Claire Cadger	6H Glenford Place, Ayr, South Ayrshire, KA7 1LB	<u>FTS/HPC/PF/18/3342</u>
Marina McLean	6G Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3343</u>
Alma Kinnaird	6E Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3344</u>
W Alan Galloway	3G Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3345</u>
Anne-Marie Conway	1F Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3346</u>
Gordon Phillips	3E Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3347</u>
Craig McVicar	3F Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3348</u>
Isabelle Grogg	- 5D Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3349</u>
Wellwood Grierson	8A Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3350</u>
Andrew McDowall	9B Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3351</u>
John Miller	9C Glenford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3352</u>
Gordon Anderson	9E Gleniford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3353</u>
Aileen Scott	9F Gleniford Place, Ayr, KA7 1LB	<u>FTS/HPC/PF/18/3354</u>

Gordon Lancaster & Magdalena Lancaster	9A Glenford Place, Ayr, KA7 1LB 2G Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3357
Margaret Rodie	2 Wexford Way, Ayr, KA7 1LA	FTS/HPC/PF/18/3358
Melanie Travis	8 Wexford Way, Ayr, KA7 1LA	FTS/HPC/PF/18/3359
Euphemia Holmes & Frederick Holmes	12 Wexford Way, Carrick Quay, Ayr, KA7 1LA	<u>FTS/HPC/PF/18/3361</u>
Malcolm Foster	3D Glenford Place, Ayr, KA7 1LA	FTS/HPC/PF/18/3363
Ian Hessett	3C Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3364
Alan Roseweir	3B Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3365
Angela Lafferty	1H Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3366
Sandra Ratcliffe	1G GlenfordPlace,Ayr, KA7 1LB	FTS/HPC/PF/18/3367
Alan Roseweir		FTS/HPC/PF/18/3368
Rae Clark	1A Glenford Place, Ayr, KA7 1LB 1C Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3370
Elaine Flannigan & Ronnie Bradley		FTS/HPC/PF/18/3371
Andrew Streets	2H Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3355
Eric Armstrong	Flat 8P, Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3314
Andrew McLean	Flat 7F, Glenford	FTS/HPC/PF/18/3299

	Place, Ayr, KA7 1LB	
John Wotherspoon	Flat 4C, Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3311

(the “Homeowners”)

**James Gibb Property Management Ltd
65 Greendyke Street, Glasgow, G1 5PX
("the Property Factor")**

Tribunal Members:

**Martin J. McAllister (Legal Member)
Andrew McFarlane (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"):

James Gibb Property Management Ltd will provide an undertaking to the Tribunal that it will comply with the Code of Conduct for Property Factors and the property factor's duties and, in particular, will ensure that appropriate inspections and maintenance of common safety systems are carried out in developments which they manage.

Such an undertaking will be provided within twenty one days of service of the 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.

Failure to comply with a PFEO has serious consequences and may constitute an offence.

Martin J. McAllister
Legal Member and Chair

3RD October 2020