

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Notice of proposed Property Factor Enforcement Order: Property Factors (Scotland) Act 2011, section 19(2)(a).**

**Chamber Ref: FTS/HPC/PF/18/0477**

**16 Netherkirkgate, Aberdeen AB10 1AU (“the property”)**

**The Parties:-**

**Mr Emilio Ayllon, residing at Flat 12, 34 Home Street, Edinburgh EH3 9LZ (“the homeowner”)**

**The Property Management Company (Aberdeen) Limited, incorporated under the Companies Act and having its registered office at PMC House, Little Square, Oldmeldrum, Aberdeenshire AB51 0AY, Company Number SC156893 (“the factors”)**

**Tribunal Members:**

**David M Preston, (Legal Member) and David Godfrey (Ordinary Member) (“the tribunal”)**

**This document should be read in conjunction with the Committee’s Decision under Section 19(1)(a) of the Act of the same date.**

The Committee proposes to make the following Property Factor Enforcement Order (“PFEO”):

Within one month from the date of service of the PFEO to follow hereon, the factors to:

1. Pay to the homeowner from their own funds a sum equivalent to the management fees charged by them between the period January 2013 to August 2017; and
2. Pay to the homeowner from their own funds the sum of £250 as compensation to him for the inconvenience occasioned by the application process.
3. Further revise the statement of their in-house complaints procedure to provide more information as to how they will handle complaints against contractors.

Section 19 of the 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 Committee'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 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 Homeowner Housing Panel's office by no later than fourteen days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the Committee 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.**

.... Chairman

17 September 2018