

First-tier Tribunal for Scotland (Housing and Property Chamber)

Property Factor Enforcement Order ("PFEO"): Property Factors (Scotland) Act 2011
Section 19(3)

Chamber Ref: FTS/HPC/Property Factors /22/2635

The Parties:-

Emily Raine, B/1, 46 Bentinck Street, Glasgow, G3 7TT ("the Homeowner")

Hacking and Paterson, 1 Newton Terrace, Glasgow, G3 7PL ("the Property Factor")

The Tribunal: -

Melanie Barbour (Legal Member)

Helen Barclay (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal's Decisions of 22 May 2023 and 17 November 2023, and review decisions of 17 November 2023 and 2 August 2024.

The First-tier Tribunal makes the following Property Factor Enforcement Order ("PFEO"):

Within a period of one month from the date of the PFEO the Factor must:

1. Pay compensation to the Homeowner of £1,270.00.
2. Contact the owners in the tenement building 44-50 Bentinck Street, Glasgow to advise the owners as follows:-
 - (1) that the Factor had been requested by a Homeowner to undertake an assessment as to the appropriate liability share for each property within the tenement, this was to include the appropriate percentage liability for common insurance, which assessments were to be carried out in accordance with the provisions of Schedule 1 of the Tenement (Scotland) Act 2004.

(2) That the Homeowner had made the request because the title deeds are deficient and the default provisions in the Tenement (Scotland) Act 2004 therefore apply.

(3) That the default scheme rules are that

- (i) in any case where the floor area of the largest (or larger) flat is more than one and a half times that of the smallest (or smaller) flat, each owner is liable to contribute towards those costs in the proportion which the floor area of that owner's flat bears to the total floor area of all (or both) the flats,
- (ii) in any other case, those costs are shared equally among the flats,

and each owner is liable accordingly.

(4) That the owners should consider if they want to instruct the Factor to carry out work to implement the default scheme rules for liability of maintenance and repair.

3. Provide to the Tribunal written confirmation that the PFEO has been complied with.

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

Melanie Barbour

Legal Member and Chair

2 August 2024

Date