

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) of the Property Factors (Scotland) Act 2011

Chamber Ref:FTS/HPC/PF/18/0240

Muirfield House (Old Building), Gullane, EH31 2EL ('the Property')

#### The Parties:

Mrs Ann MacDiarmid Morrison residing at 9, Muirfield House, Gullane, EH31 2EL ('the Homeowner')

Hanover Scotland Housing Association Limited (Hanover Scotland) 95 McDonald Road, Edinburgh, EH7 4NS ('the Factor')

#### Tribunal members:

Jacqui Taylor (Chairperson) and Andrew Murray (Ordinary Member).

### NOTICE TO THE PARTIES

Whereas in terms of their decision dated 30<sup>th</sup> July 2018, the Tribunal decided that the Factor had failed to comply with their property factor duties, all as stated in the said decision, the Tribunal proposes to make a Property Factor Enforcement Order in the following terms:

*'The Factor shall install a dawn to dusk external light to reasonably illuminate the access and egress to and from the Sun lounge external door. The light must be installed by 31<sup>st</sup> October 2018'*

**This intimation of the Tribunal's Decision and this Notice to make a Property Factor Enforcement Order 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 Housing and Property Chamber's office by no later than 14 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 (PFOE) without seeking further representations from the parties.**

**Failure to comply with a PFOE may have serious consequences and constitute an offence.**

## **Appeals**

**In terms of section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

Jacqui Taylor

Signed .....

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Chairperson Date: 30<sup>th</sup> July 2018