

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFOE”): Property Factors (Scotland) Act 2011 Section 19(3)

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	<u>FTS/HPC/PF/18/3357</u>

Margaret Rodie	2G Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3358
Melanie Travis	2 Wexford Way, Ayr, KA7 1LA	FTS/HPC/PF/18/3359
Euphemia Holmes & Frederick Holmes	8 Wexford Way, Ayr, KA7 1LA	<u>FTS/HPC/PF/18/3361</u>
Malcolm Foster	12 Wexford Way, Carrick Quay, Ayr, KA7 1LA	FTS/HPC/PF/18/3363
Ian Hessett	3D Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3364
Alan Roseweir	3C Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3365
Angela Lafferty	3B Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3366
Sandra Ratcliffe	1H Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3367
Alan Roseweir	1G GlenfordPlace,Ayr, KA7 1LB	FTS/HPC/PF/18/3368
Rae Clark	1A Glenford Place, Ayr, KA7 1LB	FTS/HPC/PF/18/3370
Elaine Flannigan & Ronnie Bradley	1C Glenford Place, Ayr, KA7 1LB	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, GlenfordPlace, Ayr, KA7 1LB	FTS/HPC/PF/18/3299
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 3RD October 2020

Decision

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it subject to minor alteration, the reasons for which alteration and decision are detailed in its Decision of even date.

The decision of the Tribunal is unanimous

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following 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 in accordance with obligations contained in its written statements of services and in accordance with its statutory obligations 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.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

Appeals

A homeowner or property factor 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.

Martin J. McAllister
Legal Member
3rd November 2020