

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order ("PFEQ")

under Property Factors (Scotland) Act 2011 section 19(2)

Chamber Ref: FTS/HPC/PF/19/4014

Property at 15 Rosebank Tower, Cambuslang, South Lanarkshire G72 7HE ("the Property")

The Parties:-

Gerald Boyd, 19 Tanzieknowe Road, Cambuslang, South Lanarkshire G72 8RD ("the Applicant")

South Lanarkshire Council, Property Services, Pollock Avenue, Hamilton, South Lanarkshire ML3 9SZ ("the Respondents")

Tribunal Members:-

**David Bartos (Legal Member)
Elizabeth Dickson (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 ("PFEQ"):

- (1) The Respondents shall by no later than 31 March 2021 issue to the Applicant or any successor as proprietor of the Property a statement of quarterly common charges with said statement including notification that the proportion of the quarterly management fee for the core services provided by the Respondents ending in the quarter in question payable by the proprietor of the Property is one seventy-second of the management fee for Rosebank Tower, Cambuslang;

(2) At the time of compliance with part (1) of this Order, the Respondents shall lodge a copy of any documentation provided to the proprietor in compliance with part (1), with the Tribunal.

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). 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 PFEO without seeking further representations from the parties. If there is a difficulty with either party meeting that timescale due to the COVID-19 crisis, they are at liberty to apply to the Tribunal for an extension of that time limit, giving specific reasons.

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

Legal Member and Chair

5 April 2020 _____ Date