

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Chamber Ref:

HOHP/PF/0113

The Property: 28 Brownside Drive, Glasgow G13 4BN

The Parties:-

Mr. John Rae, residing at The Manse, Dorrator

Road, Camelon, Falkirk, FK1 4BN

("the homeowner")

and

GHA Limited t/a factoring agent YourPlace, 25 Cochrane Street, Glasgow, G1 1HL
("the factors")

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

The tribunal proposes to make the following Property Factor Enforcement Order ("PFEO"):

Within 28 days of the date of communication to the Respondent of the property factor enforcement order, the Respondent must:-

1. Pay to the Applicant the sum of £230 in respect of the cost of the repairs which the Applicant had instructed and paid for in May 2016.
2. Pay to the Applicant the further sum of £250 in recognition of the inconvenience caused to the Applicant as a result of the Respondent's repeated failures.
3. Provide documentary evidence to the tribunal of the Respondent's compliance with the above Property Factor Enforcement Order by sending such evidence to the office of the First-tier Tribunal (Housing and Property Chamber) by recorded delivery post.

Section 19 of the 2011 Act provides as follows:

- "(2) In any case where the tribunal 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 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 tribunal must make a property factor enforcement order."

The intimation of the tribunal'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 First-tier Tribunal'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 tribunal 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.

P Pryce

Chairperson

6/2/17

Date