



Proposed Property Factor Enforcement Order (“PFEQ”)

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

Chamber Ref: FTS/HPC/PF/17/0241

Property at 4/25 Gillsland Road, Edinburgh EH10 5BW (“the Property”)

The Parties:-

Lorence Fizia and Mrs Kathleen Fizia, 4/25 Gillsland Road, Edinburgh EH10 5BW (“the Applicants”)

Bield Housing & Care, registered under the Industrial and Provident Societies Act 1965, 79 Hopetoun Street, Edinburgh EH7 4QF (“the Respondents”)

Tribunal Members:-

David Bartos - Chairperson, Legal member
Carolyn Hirst - Ordinary (Housing) 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”):

The Respondents shall within two weeks of the notification of this Order:

- (1) provide a copy of Section 2 of the Code of Conduct for Property Factors to all of their employees whose employment requires or might involve contact with homeowners in the Gillsland Grove development in Edinburgh, drawing their express attention to section 2.1 thereof; and
- (2) lodge with the Tribunal a declaration on their notepaper from their Chief Executive and Director of Asset Management signed by them in the following terms:

“Declaration”

We confirm that each employee of Bield whose employment requires or might involve contact with homeowners in the Gillsland Grove development in Edinburgh, has been supplied with copies of:

(a) Section 2 of the Code of Conduct for Property Factors; and
(b) the Statement of Services at Gillsland Grove, Edinburgh;
and that their attention has been drawn expressly to section 2.1 of the Code and section C3 of the Statement of Services (on page 18) requiring the taking of minutes of meetings between Bield Housing & Care and homeowners at Gillsland Grove.”.

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.

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

_(sgd) David Bartos _____

Legal Member and Chair

_14/2/2018_____

Date