

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

### **Proposed Property Factor Enforcement Order ("PFEO"): Property Factors (Scotland) Act 2011 Section 19(2)**

**Chamber Ref: FTS/HPC/PF/18/1769**

**Flat 0/1, 56 Minerva Way, Glasgow, G3 8GA ("The Property")**

#### **The Parties:-**

**Miss Sairah Akbar, residing at Flat 0/1, 56 Minerva Way, Glasgow, G3 8GA ("the Applicant")**

**Park Property Management Limited, a Company incorporated under the Companies Acts (Company Number SC413993) and having their registered office at 11 Somerset Place, Glasgow, G3 7JT ("the Respondent")**

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 ("PFEO"):

1. "Within 30 days of service of the PFEO on the Respondent, the Respondent shall reimburse the Applicant all property management fees levied by the Respondent against the Applicant's account from 3 March 2018 until 7 December 2018".
2. "Within 30 days of service of the PFEO on the Respondent, the Respondent shall obtain a report from a suitably qualified engineer on the condition of the security monitoring system at the larger development of which the Property forms part and shall carry out any works recommended by such report, subject always to obtaining any required authority from other proprietors within the development."

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) and 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 property factor enforcement order without seeking further representations from the parties.

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

E Miller

Legal Member and Chair

6/2/19

Date