



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

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

Reference number: FTS/HPC/PF/23/1370

Re: Property at 54D Sunnyside Road, Sunnyside Court, Coatbridge, ML5 3DG (“the Property”)

The Parties:

Mr Niall McDonnell, 54D Sunnyside Road, Sunnyside Court, Coatbridge, ML5 3DG (“the Applicant”)

Aquila Management Services, 98 High Street, Airdrie, ML6 0DX (“the Respondent”)

This document should be read in conjunction with the First-tier Tribunal’s Decision of 20th May 2024.

Decision

Having determined by Decision dated 20th May 2024 that the Property Factor had failed to comply with the Section 14 duty and its property factor’s duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEO”), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following PFEO and invites the Parties to make representations no later than 20th June 2024.

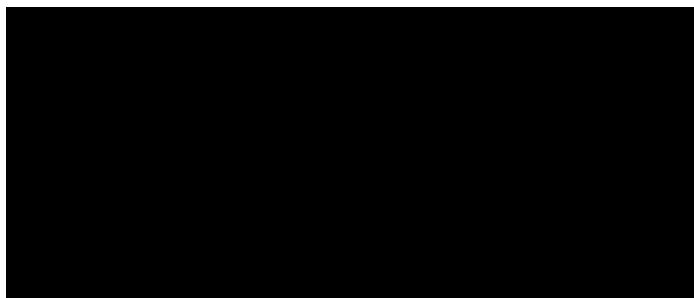
Proposed PFEO:

No later than 4 weeks from date of PFEO the Property Factor must:

1. Pay the Applicant the sum of £150 in respect of the breach of paragraph 6.10 of the Code;
2. Redraft its WSS to correct the breaches of paragraphs 1.5 (16) and (21), 5.10 and 7.1, and issue the amended WSS to each Homeowner in the development.

Appeal

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.



Alison J Kelly Chairperson

29th May 2024