

Housing and Property Chamber

First-tier Tribunal for Scotland



Proposal regarding the Making of a Property Factor Enforcement Order

Following Upon a

Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)
In an Application under section 17 of the Property Factors (Scotland) Act 2011

by

Mr. Hamish Anderson, residing at Flat 1/1, 65 Hillfoot Street, Dennistoun, Glasgow G31 2NB
("the Applicant")

Newton Property Management Limited, 87 Port Dundas Road, Glasgow G4 0HF ("the Respondents")

Chamber Reference No: FTS/HPC/PF/24/3014

Re: Property at Flat 1/1, 65 Hillfoot Street, Dennistoun, Glasgow, G31 2NB ("the Property")

Tribunal Members:

Andrew Cowan (Chairman) and Mary Lyden (Ordinary (General) Member).

This document should be read in conjunction with the First-tier Tribunal's Decision of the same date.

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

"The Property Factor is required, within 30 days of the making of this Property Factor Enforcement Order, to make payment of the sum of £150.00 from their own funds to compensate the Homeowner for the frustration and inconvenience caused as a result of the Property Factor's failure to carry out its property factor duties.'

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 PFEO without seeking further representations from the parties.

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

CHAIRMAN

Date: 18 August 2025