

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/PF/19/1395

Re: Property at 22 Jerviston Court, Motherwell Lanarkshire ML1 4BS (“the Property”)

Parties:

Miss Sophie Wells, residing at 22 Jerviston Court, aforesaid (“the homeowner”)

and

Apex Property Factor Ltd, Company Number SC419173, 46 Eastside, Kirkintiloch, East Dunbartonshire G66 1QH (“the factors”)

Tribunal Members:

David Preston (Legal Member) and Carol Jones, Surveyor (Ordinary Member).

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

Within one month from the date of service of the PFEO to follow hereon, the factors to pay to the homeowner from their own funds the sum of £1500 as compensation to her for the inconvenience occasioned by the factors’ breaches of the Code.

Section 19 of the Act provides as follows:

“... (2) In any case where the First-tier 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 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 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 Tribunal 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 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.

Chairman

4 February 2020