

Housing and Property Chamber

First-tier Tribunal for Scotland



Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/24/1687 & FTS/HPC/PF/24/1689

Re: Property at Lauderdale Mansions, Lauderdale Gardens, Glasgow, G12 9QT ("the Property")

Parties:

Mrs Pauline Bourhill, 44 Lauderdale Gardens, Apt 3/2, Hyndland, Glasgow, G12 9QT ("the Homeowner")

James Gibb, Red Tree Magenta, 270 Glasgow Road, Glasgow, G73 1UZ ("the Property Factor")

Tribunal Members:

**Fiona Watson (Legal Member)
Mary Lyden (Ordinary Member)**

NOTICE TO THE PARTIES

Whereas in terms of their Decision dated 17 February 2025, the Tribunal decided that the Factor had failed to comply with the Property Factor duties and OSP2, 3 and 11 and sections 3.1 and 4.9 of the Code of Conduct, all as stated in the said Decision, the Tribunal propose to make a Property Factor Enforcement Order in the following terms:

- (i) make reasonable payment to the Homeowner to compensate them for inconvenience, frustration and time spent. There being no direct evidence of financial loss, the Tribunal considers that a sum of £250.00 is reasonable in all the circumstances and which must be paid within 14 days hereof;
- (ii) to produce an itemised account to the Homeowner of all electricity charges she has paid since the Property Factor was appointed

- over the development to date, and which account must include (i) sums paid (ii) date each sum was paid (ii) reference to which utility invoice each sum relates and (iv) attached to said account a copy of each utility company invoice relating to each sum paid, and which must be produced within 28 days hereof.
- (iii) Provide a written monthly update to the Homeowner on the steps taken by the Property Factor in the preceding month to resolve matters with the utility company, until conclusion of the outstanding utility account issues.
 - (iv) provide the Homeowner with a copy of the contractual arrangement between the Property Factor and their broker, Indigo Swan, insofar as it relates to services provided relating to the building within which the Property forms part, and which must be provided within 14 days hereof.

This intimation of the Tribunal's Decision and this Notice to make a Property Factor Enforcement Order 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 Housing and Property Chamber's office by no later than 14 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 Property Factor Enforcement Order (PFEO) without seeking further representations from the parties.

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

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.

Fiona Watson

Legal Member/Chairperson

17 February 2025