

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order ("PFEО"): Property Factors (Scotland) Act 2011 Section 19(2)(a)

Reference number : FTS/HPC/PF/22/1501 and FTS/HPC/PF/22/1883

Re: 2473 Dumbarton Road, 1/1 Rothesay Court, Glasgow G14 ONT ("Property")

The Parties:

Mark Welsh, 2473 Dumbarton Road, 1/1 Rothesay Court, Glasgow G14 ONT ("Homeowner")

Indigo Square Property Ltd, 42 Holmlea Road, Battlefield, Glasgow G44 4AL ("Factor")

Tribunal Members:

Joan Devine – Legal Member

Mary Lyden – Ordinary Member

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 ("PFEО") :

1. By no later than the date falling 21 days after the date of this PFEО the Factor is to contact the current provider of the common insurance policy for the block of 6 flats at Rothesay Court, 2473 Dumbarton Road, Glasgow G14 ONT in writing and tell them that the Homeowner does not wish to continue to be covered by the common insurance policy currently in place and request that the Property be excluded from the common insurance policy. The Factor should then respond to any questions raised by said insurance provider regarding the provision of documentation from the Homeowner evidencing the adequacy of insurance that he has in place for the Property.

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.

Joan Devine

Legal Member

Date : 2023