

Housing and Property Chamber First-tier Tribunal for Scotland



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

PROPOSED PROPERTY FACTOR ENFORCEMENT ORDER: Property Factors (Scotland) Act 2011, section 19(2)

Case Reference Number: FTS/HPC/PF/19/3126

The Property:

135 Greenrigg Road, Cumbernauld, G67 2QB

The Parties:-

Donald Maciver, 18A North Tolsta, Lewis, HS52 0NW

("the Homeowner")

and

Apex Property Factor, 46 Eastside, Kirkintilloch, East Dunbartonshire, G66 1QH

("the Factors")

Tribunal Members:

Adrian Stalker (Chairman) and Andrew Taylor (Ordinary Member)

This document should be read in conjunction with the tribunal's decision of 16 March 2020.

The Tribunal proposes to make a Property Factor Enforcement Order as follows

In terms of section 20(1) of the Property Factors (Scotland) Act 2011, the Factors are required to make a payment of £260 to the Homeowner, within 14 days of intimation of this order. Evidence of such payment should be provided to the Tribunal.

Section 19(2) and (3) 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 Tribunal's decision and this proposed Property Factor Enforcement Order 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 Tribunal Office by no later than 14 days after the date that the decision and this proposed Property Factor Enforcement Order are intimated to them. If no representations are received within that time, then it is likely that the Tribunal will proceed to make a Property Factor Enforcement Order 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.

Signed

Date 16 March 2020

Chairman