

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFE0”): Property Factors (Scotland) Act 2011 Section 19(3)

<b>Agnes McIlvride</b>	<b>Flat 7H Glenford Place, Ayr, Ayrshire, Scotland, KA7 1LB</b>	<b>FTS/HPC/PF/18/3296</b>
<b>Myra Hessett</b>	<b>4D Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3309</u></b>
<b>William Purdie</b>	<b>4E Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3310</u></b>
<b>Alan Mora</b>	<b>4F Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3312</u></b>
<b>William Adams</b>	<b>Flat 4G, Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3313</u></b>
<b>Julian Mithoff</b>	<b>4H Glenford Place, Ayr, South Ayrshire, KA7 1LB</b>	<b>FTS/HPC/PF/18/3315</b>
<b>Myra Jones</b>	<b>4A Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3316</u></b>
<b>John Struthers</b>	<b>7J Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3317</u></b>
<b>Jacqueline McLean</b>	<b>4b Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3318</u></b>
<b>Ian Stuart</b>	<b>6B Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3338</b>
<b>Bruce McMaster</b>	<b>5B Glenford Place, Ayr, South Ayrshire, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3339</u></b>
<b>Anne McBride</b>	<b>6D Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3340</u></b>

<b>Bogdan Tataru</b>	<b>5A Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3341</u></b>
<b>Claire Cadger</b>	<b>6H Glenford Place, Ayr, South Ayrshire, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3342</u></b>
<b>Marina McLean</b>	<b>6G Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3343</u></b>
<b>Alma Kinnaird</b>	<b>6E Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3344</u></b>
<b>W Alan Galloway</b>	<b>3G Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3345</u></b>
<b>Anne-Marie Conway</b>	<b>1F Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3346</u></b>
<b>Gordon Phillips</b>	<b>3E Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3347</u></b>
<b>Craig McVicar</b>	<b>3F Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3348</u></b>
<b>Isabelle Grogg</b>	<b>- 5D Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3349</u></b>
<b>Wellwood Grierson</b>	<b>8A Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3350</b>
<b>Andrew McDowall</b>	<b>9B Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3351</u></b>
<b>John Miller</b>	<b>9C Glenford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3352</u></b>
<b>Gordon Anderson</b>	<b>9E Gleniford Place, Ayr, KA7 1LB</b>	<b><u>FTS/HPC/PF/18/3353</u></b>
<b>Aileen Scott</b>	<b>9F Gleniford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3354</b>
<b>Gordon Lancaster &amp; Magdalena Lancaster</b>	<b>9A Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3357</b>

<b>Margaret Rodie</b>	<b>2G Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3358</b>
<b>Melanie Travis</b>	<b>2 Wexford Way, Ayr, KA7 1LA</b>	<b>FTS/HPC/PF/18/3359</b>
<b>Euphemia Holmes &amp; Frederick Holmes</b>	<b>8 Wexford Way, Ayr, KA7 1LA</b>	<b><u>FTS/HPC/PF/18/3361</u></b>
<b>Malcolm Foster</b>	<b>12 Wexford Way, Carrick Quay, Ayr, KA7 1LA</b>	<b>FTS/HPC/PF/18/3363</b>
<b>Ian Hessett</b>	<b>3D Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3364</b>
<b>Alan Roseweir</b>	<b>3C Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3365</b>
<b>Angela Lafferty</b>	<b>3B Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3366</b>
<b>Sandra Ratcliffe</b>	<b>1H Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3367</b>
<b>Alan Roseweir</b>	<b>1G GlenfordPlace,Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3368</b>
<b>Rae Clark</b>	<b>1A Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3370</b>
<b>Elaine Flannigan &amp; Ronnie Bradley</b>	<b>1C Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3371</b>
<b>Andrew Streets</b>	<b>2H Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3355</b>
<b>Eric Armstrong</b>	<b>Flat 8P, Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3314</b>
<b>Andrew McLean</b>	<b>Flat 7F, GlenfordPlace, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3299</b>
<b>John Wotherspoon</b>	<b>Flat 4C, Glenford Place, Ayr, KA7 1LB</b>	<b>FTS/HPC/PF/18/3311</b>

(the “Homeowners”)

**James Gibb Property Management Ltd**  
**65 Greendyke Street, Glasgow, G1 5PX**  
**(“the Property Factor”)**

**Tribunal Members:**  
**Martin J. McAllister (Legal Member)**  
**Andrew McFarlane (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal’s Decision of 3<sup>RD</sup> October 2020

## **Decision**

The Tribunal has decided that it should make a PFE0 in the terms originally proposed by it subject to minor alteration, the reasons for which alteration and decision are detailed in its Decision of even date.

The decision of the Tribunal is unanimous

## **Property Factor Enforcement Order**

The First-tier Tribunal hereby makes the following PFE0:

**James Gibb Property Management Ltd will provide an undertaking to the Tribunal that it will comply with the Code of Conduct for Property Factors and the property factor’s duties in accordance with obligations contained in its written statements of services and in accordance with its statutory obligations and, in particular, will ensure that appropriate inspections and maintenance of common safety systems are carried out in developments which they manage. Such an undertaking will be provided within twenty one days of service of the property factor enforcement order.**

**Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.**

## **Appeals**

A homeowner or property factor 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.

Martin J. McAllister  
Legal Member  
3<sup>rd</sup> November 2020