

Housing and Property Chamber First-tier Tribunal for Scotland



Proposed Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(2)

**17 Lugar Street, Coatbridge, Lanarkshire, ML5 3JS
(The Property)**

Case Reference FTS/HPC/PF/20/0202

Mrs Kathryn Miller, 11 Street Farm Close, Harthill, Sheffield, S26 7UH (“The Applicant”)

Mr James Miller, 11 Street Farm Close, Harthill, Sheffield, S26 7UH (“ the Applicant’s Representative”)

Speirs Gumley Property Management, Red Tree Magenta, 270 Glasgow Road, Rutherglen, G73 1UZ (“The Respondents”)

Tribunal Members: Martin J. McAllister (Legal Member) and Mike Links (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 (“PFEO”):

The Property Factor is to pay compensation of £100 to the applicant within twenty -eight days of service of the Property Factor Enforcement Order.

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.

Martin J. McAllister
Legal Member

25th September 2020