



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

**Proposed Property Factor Enforcement Order: Section 19(2)(a) of the Property Factors (Scotland) Act 2011 (“the Act”)**

**Chamber Ref: FTS/HPC/PF/22/2829 & FTS/HPC/PF/22/3767**

**Re: Property at 48 Patriothall, Edinburgh EH3 5AY (“the Property”)**

**Parties:**

**Mrs Caroline Brown, 48 Patriothall, Edinburgh EH3 5AY (“the Homeowner”)**

**James Gibb Residential Factors, 4 Atholl Place, Edinburgh EH3 8HT (“the Property Factor”)**

**Tribunal Members:**

**Neil Kinnear (Legal Member) and Kingsley Bruce (Ordinary Member)**

**DECISION**

[1] This document should be read in conjunction with the Tribunal’s Decision under Section 19(1)(a) of the Act of the same date.

[2] The Tribunal proposes to make the following Property Factor Enforcement Order (“PFEO”).

[3] Within 28 days of intimation of the PFEO, the Property Factor must make payment to the Homeowner of the sum of £750.00 in compensation in respect of the Property Factor’s failure to comply with sections 2.1, 2.5 and 6.1 of the Code of Conduct for Property Factors (effective from 1 October 2012) and sections 2.1, 2.7, 6.4 and 7.1 of the Code of Conduct for Property Factors (effective from 16 August 2021) as required by section 14(5) of the *Property Factors (Scotland) Act 2011*.

[4] The intimation of the Tribunal’s decision and this notice of proposal to make a PFEO 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 Tribunal 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 PFEO without seeking further representations from the parties.

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

**06 April 2023**

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**Legal Member**

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**Date**