

Housing and Property Chamber First-tier Tribunal for Scotland



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

Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 (“the Act”) following upon a Decision of the Homeowner Housing Committee in an application under Section 17(1) of the Act

Chamber Ref: FTS/HPC/PF/19/3559

Re: Property 286 Stonelaw Road, Burnside, Glasgow G73 3RP (“the Property”)

Parties:

Ardamaka Limited, c/o Fallside, Lochwinnoch, Renfrewshire, PA12 4DJ (“the Applicant”)

Apex Property Factor, 46 Eastside, Kirkintilloch, East Dunbartonshire, G66 1QH (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member); Robert Buchan (Surveyor Member)

This document should be read in conjunction with the Tribunal’s decision under section 19(1)(a) of the Act on the same date.

The Tribunal proposes to make the following Property Factor Enforcement Order

In terms of section 20(1) of the Property Factors (Scotland) Act 2011, the Respondent is required to make a payment of £100 to the Applicant, within 14 days of intimation of this order. Evidence of such payment should be provided to the Tribunal.

Section 19 of the 2011 Act provides as follows:

“... (2) In any case where the Tribunal proposes to make a property factor enforcement order, they 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 them.

(3) If the Tribunal are 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 Tribunal must make a property factor enforcement order..."

The intimation of the Tribunal's Decision and this notice of proposal to make a PFEO to the parties 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 First-tier Tribunal's office by no later than fourteen 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 property factor enforcement order ("PFEO") 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.

.....
Andrew Cowan (Legal Member)

27 August 2020
.....Date