

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

Chamber Ref: FTS/HPC/PF/19/3413

The Parties:-

Mrs Maureen Loy, 5 Shepherds Court, Banchory AB31 5TG ("the Homeowner")

The Property Management Company (Aberdeen) Ltd, Little Square, Old Meldrum AB51 0AY ("the Factor")

The Tribunal:-

Graham Harding (Legal Member)

Angus Anderson (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"):

Within a period of two months from the date of the PFEO the Factor must:

- (1) At their own cost instruct a reputable firm of specialist cleaning contractors to carry out a deep clean of the hard flooring, bannister and railings, window sills, internal and external front doors, stairs and stairwell windows;
- (2) At their own cost supply such additional gravel as may be required to complete the re-gravelling of the communal ground at the rear of the development including the individual parking bays and instruct reputable contractors to level and compact the gravel to avoid rutting as far as possible and provide owners with adequate notice for removal of vehicles.
- (3) Ensure that the property manager's monthly inspection of the development is timed to coincide with or shortly after the monthly cleaning of the development and take such steps as may be necessary to ensure that the contractors are complying with the specification contained in the Written Statement of Services;
- (4) Provide to the Tribunal written confirmation that items (!) and (2) have been completed;

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.

Graham Harding

Legal Member and Chair

23 September 2020

Date