

Housing and Property Chamber

First-tier Tribunal for Scotland



FIRST TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)

Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Under s.19(2)(a) of the Property Factors (Scotland) Act 2011

Chamber ref: FTS/HPC/PF/22/3836

Property address: Flat 3/2, 664 Alexandra Parade, Dennistoun, Glasgow, G31 3LH ("the Property")

Parties:

Easilet Investments Limited, 104 Bellgrove Street, Glasgow, G31 1AA ("the Applicant")

Cumming Turner & Watt, 40 Carlton Place, Glasgow G5 9TS ("the Respondent")

Tribunal Members:

Mr Mark Thorley (Chairperson)

Mr Andrew McFarlane (Ordinary (Surveyor) Member)

Notice to the parties

Whereas in terms of their decision 17 November 2023, the Tribunal decided that the factor had failed to comply with their property factor duties and, all as stated in the said decision, the Tribunal propose to make a Property Factor Enforcement Order in the following terms:

1. To complete the rot works required in the roof of the Property within a period of 28 days;
2. To provide an accounting for the funds obtained in respect of the roof works within a period of 28 days;

3. To make payment to the Applicant for the inconvenience he has suffered in the sum of £1,000, with no costs to the owners, said sums to be paid within 28 days of the communication to the effect that the Property Factor Enforcement Order.

The intimation of the Tribunal's decision and this notice to make a Property Factor Enforcement Order to the parties should be taken as notice for the purposes of s.19(2)(a) of the Act and parties hereby given notice that they should ensure that any written representations which they wish to make under s.19(2)(b) of the Act reaches the Housing and Property Chamber's office 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 Property Factor Enforcement Order (PFEO) without seeking further representations from the parties.

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

Appeals

A party 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.

19 November 2023

Chairperson >

Date