

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/23/1217

Re: Flat 1/3 10 Archerhill Square, Glasgow G13 4TD

Parties:

Mr Kashif Naeem, 223 Auldhouse Road, Glasgow G43 1DF (“the Homeowner”)

**Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow G1
1HL (“the Factor”)**

Tribunal Member:

**Graham Harding (Legal Member)
Elizabeth Dickson (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"):

No later than one month from the date of the PFEO the Factor must at its own cost and expense:

- (1) Compensate the Homeowner in the sum of £500.00 by a direct payment and not by a credit to his common charges account for the distress and inconvenience caused by the Factor's actions;
- (2) Refund the Homeowner all of the management fees and concierge fees charged to the Homeowner's account since 16 August 2021, the date on which the Code of Conduct came into force;
- (3) Provide the Homeowner with a named property manager or contact for the property with whom the Homeowner can communicate directly in future;
- (4) Evidence the tribunal that items 1 and 2 have been carried out.

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

20 November 2023 Date