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

Property Factor Enforcement Order ("PFEO"): Property Factors (Scotland) Act 2011 Section 19(3)

Reference number: FTS/HPC/PF/23/3408

Re: Property at 33 Broomyhill Place, Linlithgow, West Lothian, EH49 7BZ ("the Property")

The Parties:

Mr Steven McDade, 33 Broomyhill Place, Linlithgow, West Lothian, EH49 7BZ ("the Applicant")

Hacking & Paterson Management Services, 103 East London Streey, Edinburgh, EH7 4BF ("the Respondent")

Tribunal Members: Alison Kelly (Legal Member) and Helen Barclay (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal's Decision of 27th May 2024.

Decision

Having determined by Decision dated 27th May 2024 that the Property Factor had failed to comply with the Section 14 duty and its property factor's duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order ("PFEO"), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following PFEO and invites the Parties to make representations no later than 28th June 2024.

Proposed PFEO:

No later than 4 weeks from date of PFEO the Property Factor must:

1. Provide reconciliation statements for the Float for the last three financial years.

Appeal

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

Alison J Kelly Chairperson 27th May 2024