

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/23/2592

Re: Property at 3-2 193 Kent Road, Glasgow, G3 7HD (“the Property”)

Parties:

Miss Eileen Clarke, 3-2 193 Kent Road, Glasgow, G3 7HD (“the Applicant”)

Glasgow West Enterprises Limited, 5 Royal Crescent, Glasgow, G3 7SL (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member), Andrew McFarlane (Ordinary (Surveyor) 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”):

- (1) The Respondent shall from its own funds credit the Applicant’s account with 25% of the management fees charged to the Applicant for the period from 1 January 2022 to 30 June 2023.
- (2) The Respondent shall from its own funds make a payment to the Applicant by cheque or bank transfer in the sum of £800.00.
- (3) Completion of parts (1) and (2) shall be made by the Respondent within one month of the date of issue of the PFEO and the Respondent shall confirm completion to the Tribunal in writing as soon as possible thereafter.

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—

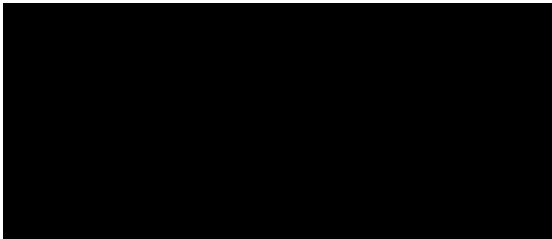
(a) give notice of the proposal to the property factor, and

(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

13 July 2024

Date