



**Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) of the Property Factors (Scotland) Act 2011**

**Reference number:**

FTS/HPC/PF/23/3590

FTS/HPC/PF/24/1449

Re: 1/38 Chapel Lane, Edinburgh, EH6 6ST (“the Property”)

**The Parties:**

Mr. Myko Clelland, 1/38 Chapel Lane, Edinburgh, EH6 6ST

(“the Homeowner”)

and

James Gibb Property Management Ltd, 4 Atholl Place, Edinburgh, EH3 8HT

(“the Property Factor”)

**Tribunal Members**

Nicola Irvine (Chairperson) and Andrew McFarlane (Ordinary (Surveyor) Member)

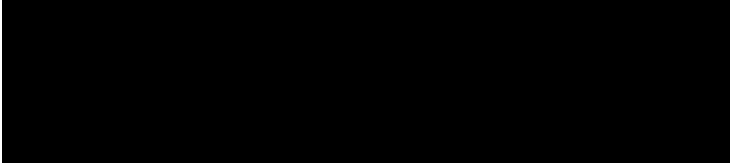
**NOTICE TO THE PARTIES**

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 Property Factor is ordered to instruct the works to the garage they previously confirmed they would undertake and keep the Homeowner regularly updated on progress or clearly explain why they are not in a position to proceed as they previously confirmed, all with 28 days of intimation of the PFEO.

2. The Tribunal order the Property Factor to pay the Homeowner the sum of £1,000 for his time, effort and inconvenience, within 28 days of intimation of the PFEO.
3. The Property Factor shall provide evidence to the Tribunal of compliance with this order within 35 days of intimation of the PFEO.
4. Section 19 (2) of the Act provides as follows: 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.
5. 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.
6. 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.
7. Failure to comply with a PFEO may have serious consequences and may constitute an offence.



Chairperson of the Tribunal

Dated: 14 November 2024