



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/24/4839

Re: 76 Maxwellton Avenue, East Kilbride, G74 3DY (“the Property”)

The Parties:

Mrs. Emma Buchanan, 2 Lampson Lane, Killearn, G63 9PF (“the Homeowner”)

and

South Lanarkshire Council, Council Offices, Almada Street, Hamilton, ML3 0AA (“the Property Factor”)

Tribunal Members

Nicola Irvine (Chairperson) and Mary Lyden (Ordinary 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. Within 28 days of intimation of the PFEO, the Property Factor is ordered to undertake a tendering process in respect of the recommendations contained in the report by Perspective Building Consultancy Ltd dated 23 April 2024 or clearly explain why it is not in a position to do so.
2. Consult with the Homeowner, advise her of timescales for work being carried out and provide information to the Homeowner about grant applications within 28 days of intimation of the PFEO.

3. Keep the Homeowner regularly updated on progress or clearly explain why, within 28 days of intimation of the PFEO.
4. The Tribunal order the Property Factor to pay the Homeowner the sum of £1,000 for her time, effort and inconvenience, within 28 days of intimation of the PFEO.
5. The Property Factor shall provide evidence to the Tribunal of compliance with this order within 35 days of intimation of the PFEO.
6. 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.
7. 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.
8. 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.
9. Failure to comply with a PFEO may have serious consequences and may constitute an offence.

Nicola Irvine

Chairperson of the Tribunal

Dated: 21 April 2026