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/24/3381

Re: Property at 65 Waverley Street, Glasgow, G41 2DY ("the Property")

Parties: Mr Benjamin Semple ("the Applicant")
Macfie and Co ("the Respondent") represented by Gillespie MacAndrew LLP

Tribunal Member:

Yvonne McKenna (Legal Member) and Frances Wood (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"):

(1) The Respondent shall pay the Applicant the sum of £500 (five hundred pounds) for the stress, inconvenience and administrative burden suffered by him as a result of the Respondent's breach of the Code.

(2) The Respondent must provide the Tribunal with written confirmation that part (1) of this Order has been completed within 21 days of the date of this Order.

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.

__Yvonne McKenna _____ Legal Member and Chair

_____5 September 2026_____ Date