

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/20/1595

**Flat 7, 137 Stockwell Street, Glasgow G1 4 LR
 (“the Property”)**

The Parties:-

**Mr Stuart Hannah, Flat 5, 31 Great Sutton Street, London EC1V 0NA
 (“the Homeowner”)**

**James Gibb Residential Factors, Bellahouston Business Centre, 423 Paisley
 Road West, Glasgow G51 1PZ
 (“the Factor”)**

**Tribunal Members:
 Graham Harding (Legal Member)
 Carol Jones (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 Factor must within a period of 28 days prepare and exhibit to the Tribunal and the Homeowner a detailed schedule of works setting out the scope of the communal remedial works to be undertaken at the window well at Flat 10, 137 Stockwell Street, Glasgow together with such further works if any at Flats 6 and 7 there. The schedule should include as far as possible a timescale for the completion of the works including obtaining any building consents;
- (2) In the event of any subsequent delay or variation to the remedial works the Factor must within 2 working days of being advised of any such variation or delay communicate this in writing to the Homeowner.
- (3) The Factor must within 28 days make payment to the Homeowner from its own funds the sum of £500.00 for the stress and inconvenience caused to the Homeowner for its breach of the Code and its failure to carry out its property factor’s duties.

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

5 January 2021 Date