

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

**Proposed Property Factor Enforcement Order ("PFEО"): Property Factors
(Scotland) Act 2011 Section 19(2)**

Chamber Ref: FTS/HPC/PF/19/2269

78 Braehead, Methven Walk, Dundee, DD2 3JF ("The Property")

The Parties:-

**Miss Camilla Johnston, 78 Braehead, Methven Walk, Dundee, DD2 3JF
("the Homeowner")**

**Ross and Liddell Ltd, Unit 19, City Quay, Camperdown Street, Dundee, DD1
3JA
("the Property Factor")**

Tribunal Members:

Martin J. McAllister, Solicitor, (Legal Member)

**Michael Scott, Chartered Surveyor, (Ordinary Member)
(the "tribunal")**

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 ("PFEО"):

1. The Property Factor is to pay the total sum of £500 to the Homeowner as compensation for its breaches of the Code and for failing to comply with the property factor's duties. The payment is to be made within thirty days of service of the property factors enforcement order.
2. Within 30 days of service of the property factor enforcement order, the Property Factor is to take steps to establish the floor areas of the properties at 75 and 78 Braehead Methven Walk, Dundee by whatever methods appropriate and practical including inspection and reference to plans and, if it is established that the properties have had wrongly allocated common charges liabilities, to advise the owners of the properties in question and to correct such errors in future common charges accounts.

Section 19 of the Property Factors (Scotland) Act 2011 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.

 Legal Member of the First-tier Tribunal for Scotland
Martin. J McAllister
25th November 2019