

# 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/21/1057**

**8/1 Murdoch Terrace, Edinburgh EH11 1AZ  
 (“the Property”)**

**The Parties:-**

**Mr William Webster, Ardess, Wallace Road, Bathgate EH48 1DN  
 (“the Homeowner”)**

**Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow G1  
 1HL  
 (“the Factor”)**

**Tribunal Members:**

**Graham Harding (Legal Member)  
 Elaine Munroe (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 instruct reputable contractors to carry out a deep clean of the common entrance, close, stairs and landings at the Development at the Factor's own expense and to confirm in writing to the Homeowner and the Tribunal within 28 days of service of this order that the said works have been completed.
- (2) The Factor will pay to the Homeowner within 28 days of the date of service of this order the sum of Three Hundred Pounds (£300.00) from its own funds in order to compensate the Homeowner for the inconvenience caused as a result of the Factor's failure to comply with the Property Factors Code of Conduct 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

Date: 11 October 2021