

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/19/3399

**82/2 Harvesters Way, Wester Hailes, Edinburgh EH14 3JJ
 (“the Property”)**

The Parties:-

**Miss Christian Marie Wood, 82/2 Harvesters Way, Wester Hailes, Edinburgh EH14 3JJ
 (“the Homeowner”)**

**Residential Management Group Limited, RMG House, Essex Road, Hoddesdon, Hertfordshire EN11 0DR
 (“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) That the Factor calls a meeting of Plot proprietors as soon as practically possible in line with any Scottish Government Covid-19 restrictions and in accordance with Rule 18.2.1 of the Deed of Conditions burdening the Development for the purpose of having its appointment confirmed by a majority of the plot proprietors.
- (2) That until the Factor has had its appointment confirmed at a meeting of plot proprietors it refrains from charging the Homeowner any management fees.
- (3) That the Factor issues a letter of apology to the Homeowner within 30 days apologising for its poor communication with her throughout 2019 and for failing to deal timeously with her complaints.
- (4) That the Factor makes payment to the Homeowner within 30 days from its own funds the sum of £500.00.

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

26 March 2021

Date