

Housing and Property Chamber
First-tier Tribunal for Scotland



Proposed Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(2)

Chamber Ref: FTS/HPC/PF/20/1368

Ground Flat, 76 Clydesdale Road, Mossend, Bellshill, Lanarkshire ML4 2QL (“The Property”)

The Parties:-

Mr Fergus Macleod, 76 Clydesdale Road, Mossend, Bellshill, Lanarkshire ML4 2QL (“the Homeowner” and “Applicant”)

Apex Property Factor Limited, 46 Eastside, Kirkintilloch, East Dunbartonshire G66 1QH (“the Property Factor” and “Respondent”)

Tribunal Members:

Martin J. McAllister, Solicitor, (Legal Member)

**Mary Lyden, (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 (“PFEO”):

The Respondent is required to make the following payments to the Applicant:

- (a) Seven Thousand One Hundred and Eighteen Pounds, twenty nine pence (£7,118.29);**
- (b) Two Hundred and Fifty Pounds (£250).**

Payments should be made within 14 days of intimation of the property factor enforcement order. Evidence of such payment should be provided to the Tribunal.

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.

Martin J. McAllister
Legal Member

15th October 2020