

Housing and Property Chamber First-tier Tribunal for Scotland



Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/23/0160

Re: Property at Flat 2/3, 245 Paisley Road West, Glasgow, G51 1NE (“the Property”)

Parties:

Miss Bethany Christie, Flat 2/3, 245 Paisley Road West, Glasgow, G51 1NE (“the Homeowner”)

James Gibb Residential Factors, 65 Greendyke Street, Glasgow, G1 5PX (“the Property Factor”)

Tribunal Members:

Fiona Watson (Legal Member)

Elizabeth Dickson (Ordinary Member)

NOTICE TO THE PARTIES

Whereas in terms of their Decision dated 13 November 2023, the Tribunal decided that the Factor had failed to comply with the Property Factor duties and OSP2, 6 and 11 and sections 2.7, 6.1 and 6.4 of the Code of Conduct, all as stated in the said Decision, the Tribunal propose to make a Property Factor Enforcement Order in the following terms:

‘The Factor must pay the homeowner £150 for the inconvenience they have suffered from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to the Property Factor of the Property Factor Enforcement Order.’

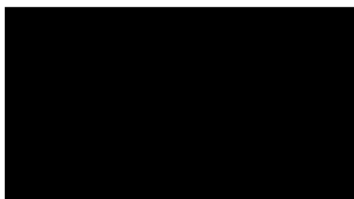
This intimation of the Tribunal’s Decision and this Notice to make a Property Factor Enforcement Order to the parties should be taken as

notice for the purposes of section 19(2)(a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale then the Tribunal is likely to proceed to make a Property Factor Enforcement Order (PFEO) without seeking further representations from the parties.

Failure to comply with a PFEO may have serious consequences and constitute an offence.

Appeal

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.



Legal Member/Chairperson

15 November 2023