



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 ("the 2011 Act")

Chamber Ref: FTS/HPC/PF/24/1791

6/1, 339 Glasgow Harbour Terraces, Glasgow, G11 6BH ("the Property")

Parties:

Mr John Carruthers, 6/1, 339 Glasgow Harbour Terraces, Glasgow, G11 6BH ("the Applicant") - Homeowner

Hacking & Paterson Management Services, 1 Newton Terrace, Glasgow, G3 7PL ("the Respondent") - Property Factor

Tribunal Members:

Nicola Weir (Legal Member) and Nick Allan (Ordinary Member)

NOTICE TO THE PARTIES

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 Property Factor is ordered to instruct all further necessary works required (a) to resolve the water ingress in the main bedroom, the spare bedroom and the kitchen of the Property and (b) to rectify all damage caused to the Property by the water ingress or remedial works and to ensure that all such works are completed satisfactorily within a period of 6 months from the date of issue of the PFEO;
2. The Property Factor is ordered to provide the Homeowner with a written specification of the further works to be undertaken in terms of paragraph 1 above and the estimated timeframe for each stage of the works being completed, all within 30 days of the date of issue of the PFEO;

3. The Property Factor is ordered to provide regular updates to the Homeowner, by way of meeting or otherwise, on the progress of the works specified in paragraph 1 above on an ongoing basis until all works are completed and the water ingress issues resolved; said updates to be provided at least once per month, with the Property Factor providing the Homeowner with written details of their proposed schedule and method of providing updates, all within 30 days of the date of issue of the PFEO.
4. The Property Factor is ordered to pay the Homeowner the sum of £750 from its own funds in respect of his time and efforts, and the distress, worry and inconvenience caused to the Homeowner as a consequence of the Property Factor's breaches of the Code; said sum to be paid to the Homeowner within 30 days of the date of issue of the PFEO.
5. The Property Factor shall provide evidence to the Tribunal of compliance with paragraphs 2 to 5 of the PFEO within a period of 35 days of intimation of issue of the PFEO.

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 may have serious consequences and constitute an offence.

Legal Member/Chair

11 February 2025
Date