

# Housing and Property Chamber First-tier Tribunal for Scotland



**First-tier Tribunal for Scotland (Housing and Property Chamber)**

**Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act  
2011 Section 19(3)**

**ChamberRef:FTS/HPC/PF/18/0356/0357/0358/0359/0360/0362/0363/0364/0365/0366  
/0368/0370**

**1-14 The Beech Tree, Linlithgow, EH49 6PU  
 (“the Property”)**

**The Parties:-**

**Mr Bob Gehrke, 14 The Beech Tree, Linlithgow EH49 6PU  
 (“the Homeowner”) and Homeowners Representative in respect of the remaining  
 11 Homeowners**

**Life Property Management Limited, Regent Court, 70 West Regent Street,  
 Glasgow G2 2QZ  
 (“the Factor”)**

**Tribunal Members:**

**Graham Harding (Legal Member)  
 Andrew Taylor (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal’s Decision of 8 January 2019.

## **Decision**

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it.

The decision of the Tribunal is unanimous

## **Reasons for Decision**

In the Tribunal’s decision of 8 January 2019, it proposed to make a PFEO as follows:-

- (1) Within 28 days of the date of communication to the Factor of this Property Factor Enforcement Order, the Factor must make payment to:-
  - Richard McLachlan, 1 The Beech Tree, Linlithgow; the sum of £100.00
  - Julie Gillespie, 2 The Beech Tree, Linlithgow; the sum of £100.00
  - Rachael Ellen, 3 The Beech Tree, Linlithgow; the sum of £100.00

Jennifer Duff, 4 The Beech Tree, Linlithgow; the sum of £100.00  
Maureen Currie, 5 The Beech Tree, Linlithgow; the sum of £100.00  
Helen Quigley, 6 The Beech Tree, Linlithgow; the sum of £100.00  
James and Anne Thomson, (jointly) 7 The Beech Tree, Linlithgow; the sum of £100.00  
Ciaran Johnston, 8 The Beech Tree, Linlithgow; the sum of £100.00  
Andrew Inglis, 9 The Beech Tree, Linlithgow; the sum of £100.00  
Lewis Cantwell, 12 The Beech Tree Linlithgow; the sum of £100.00  
John Lovatt, 13 The Beech Tree, Linlithgow; the sum of £100.00 and  
Bob Gehrke, 14 The Beech Tree, Linlithgow; the sum of £150.00.

The Tribunal indicated that prior to making a property factor enforcement order, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

The Tribunal's decision was intimated to the parties on 15 January 2019

No representations have been received by the Tribunal from any party.

The Tribunal therefore unanimously confirms its decision of 8 January 2019 that a PFEO should be made in the terms proposed.

### **Property Factor Enforcement Order**

The First-tier Tribunal hereby makes the following PFEO:

(1) Within 28 days of the date of communication to the Factor of this Property Factor Enforcement Order, the Factor must make payment to:-

Richard McLachlan, 1 The Beech Tree, Linlithgow; the sum of £100.00  
Julie Gillespie, 2 The Beech Tree, Linlithgow; the sum of £100.00  
Rachael Ellen, 3 The Beech Tree, Linlithgow; the sum of £100.00  
Jennifer Duff, 4 The Beech Tree, Linlithgow; the sum of £100.00  
Maureen Currie, 5 The Beech Tree, Linlithgow; the sum of £100.00  
Helen Quigley, 6 The Beech Tree, Linlithgow; the sum of £100.00  
James and Anne Thomson, (jointly) 7 The Beech Tree, Linlithgow; the sum of £100.00  
Ciaran Johnston, 8 The Beech Tree, Linlithgow; the sum of £100.00  
Andrew Inglis, 9 The Beech Tree, Linlithgow; the sum of £100.00  
Lewis Cantwell, 12 The Beech Tree Linlithgow; the sum of £100.00  
John Lovatt, 13 The Beech Tree, Linlithgow; the sum of £100.00 and  
Bob Gehrke, 14 The Beech Tree, Linlithgow; the sum of £150.00.

**Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.**

### **Appeals**

**A homeowner or property factor 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.**

G Harding

Graham Harding \* / Legal Member and Chair

2 February 2019 \* Date