

Housing and Property Chamber First-tier Tribunal for Scotland



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

PROPERTY FACTOR ENFORCEMENT ORDER

Reference number: FTS/HPC/PF/19/0660

Re: 4, Fairyknowe Court, Bothwell, G71 8SZ ("the Property")

The Parties: Miss Karen Steel residing at 4, Fairyknowe Court, Bothwell, G71 8SZ ("the Applicant")

and

James Gibb Property Management Limited having a place of business at 65, Greendyke Street, Glasgow, G1 5PX ("the Respondents")

Tribunal Members

Karen Moore (Legal Member)

Ahsan Khan (Ordinary Member)

Background

Having determined by Decision issued on 12 August 2019 that the Factor had failed to comply with Section 17 of the Act, the Tribunal determined to issue a Property Factor Enforcement Order ("PFEO") and hereby give notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposes the following, PFEO:-

- (i) Within four weeks of the date of this PFEO, the Respondents must at their own cost and expense instruct an independent Royal Institute of Chartered Surveyors registered building surveyor (i) to carry out a full inspection the Property and the block of flatted dwelling houses of which it forms part ("the Block"), including suitable water testing before and after any remedial works are completed, to provide a fully documented report on the water ingress to the Property which should include a report on the whole roof including its tiles, flashing and roof spaces, the external brickwork, the balconies and the guttering and downpipes ("the Survey Report"), the purpose of which Survey Report is to determine the cause of the water ingress to the Property and to recommend works to ensure that the Property is made wind and watertight and is in a reasonable state of repair;

- (i) Within 7 days of their receipt of the said Survey Report, the Respondents must submit the Survey Report to the Tribunal, provide a copy to the Applicant and her co-owners in the Block and call a meeting of the owners of the Block to put in place a plan to carry out the works recommended by the Survey Report.

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

Karen Moore

Chairperson

12 August 2019