

Housing and Property Chamber First-tier Tribunal for Scotland



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

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

Chamber Ref: FTS/HPC/PF/19/0680

**553 Mosspark Drive, Mosspark, Glasgow G52 1QP
("the Property")**

The Parties:-

**Mr John Garrett, 553 Mosspark Drive, Mosspark Drive, Mosspark, Glasgow G52
1QP
("the Homeowner")**

**Your Place Property Management Limited, Wheatley House, 25 Cochrane
Street, Glasgow G1 1HL
("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 the same date.

The First-tier Tribunal proposes to make the following Property Factor Enforcement Order ("PFEO"):

Within the next 30 days:

- (1) The Factor must confirm to the Tribunal and to the Homeowner in writing that it is aware that the owner of 547 Mosspark Drive, Mosspark, Glasgow does not reside there and that it knows the owner's home address and corresponds with him or her at their home address.
- (2) The Factor must organise a meeting of the owners of 547-553 Mosspark Drive, Mosspark, Glasgow to discuss the remedial works that are required that are common to the property.

(3) The Factor must pay to the Homeowner from its own funds the sum of £1000.00 in consideration of the delay, inconvenience and expense suffered by the Homeowner as a result of the failings of the Factor.

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.
Graham Harding

_____ Legal Member and Chair

28 August 2019

Date