

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/19/0719

6 Cedarwood Court, Cardross, Dunbartonshire, G82 5BT ('the Property')

The Parties:

Michael Nicholson C/O Artaigh, Rowmore, G84 0EH ('The Homeowners')

Lomond Property Factors Limited, The Gowk, Gartocharn, Dunbartonshire, G83 8ND ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Colin Campbell (Ordinary Member).

NOTICE TO THE PARTIES

Whereas in terms of their decision dated 4th November 2019, the Tribunal decided that the Factor had failed to comply with section 2.5 of the Code of Conduct, all as stated in the said decision, the Tribunal proposes to make a Property Factor Enforcement

'The Factor is directed to:-

- (i) Amend their Written Statement of Services to include their response times to general enquiries as required by section 2.5 of the Code of Conduct.
- (ii) Provide the Homeowner and the Tribunal with a copy of the amended written Statement of Services by 16th December 2019.'

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.

Appeals

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.

Signed

Chairperson Date: 4th November 2019