

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/LM/18/1725**

**Flat1/1 10 Andrews Street, Paisley PA3 2EP  
("the Property")**

**The Parties:-**

**Mr Dave Sinclair, Flat 1/1 10 Andrews Street, Paisley PA3 2EP  
("the Homeowner")**

**Link Group Limited, Watling House, Callendar Business Park, Falkirk FK1 1XR  
("the Factor")**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Carol Jones (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"):

- (1) The Factor must amend its quarterly inspection of the ground at the property to a monthly inspection that takes place shortly after its contractors have attended to carry out ground maintenance services at the property. The Factor must provide the Tribunal with a copy of the amended Property Specific Schedule attached to its Written Statement of Services reflecting the amendment within 30 days of the date of receipt of this order.
- (2) The Factor must make a payment to the Homeowner from its own funds of £150.00 in respect of compensation for his trouble and inconvenience in pursuing his complaint to the Tribunal and provide confirmation to the Tribunal of payment within 30 days of the date of receipt of this order.

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.**

G Harding

Legal Member and Chair

10 November 2018

Date