

# 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: Property Factors (Scotland) Act 2011, Section 19(3)**

**Chamber Ref: FTS/HPC/PF/19/1362**

**Property at 19/4 Fettes Rise, Edinburgh, EH4 1QH  
("The Property")**

**The Parties:-**

**Mr Steve Collins, 19/4 Fettes Rise, Edinburgh, EH4 1QH  
("the Applicant")**

**James Gibb Property Management Limited, 4 Atholl Place, Edinburgh, EH3  
8HT  
("the Respondent")**

**Tribunal Members:**

**Ms Susanne L M Tanner QC (Legal Member)**

**Ms Elaine Munroe (Ordinary Member)**

1. This document should be read in conjunction with the decision of the same date of the First-tier Tribunal ("the tribunal") under Section 19(3) of the Property Factors (Scotland) Act 2011 ("the 2011 Act").
2. By decision of even date with this Notice, the Tribunal determined that it must make a Property Factor Enforcement Order.
3. Within 28 days of intimation of the PFEO the Respondent must:

3.1. Pay to the Applicant in cleared funds the sums of:

- (i) ONE THOUSAND POUNDS (£1000.00) STERLING in respect of the Respondent's failures to comply with the Code of Conduct and with its property factors duties; and in respect of the Applicant's time and inconvenience in dealing with the complaints process and the tribunal proceedings in relation to the Respondent's said failures;

- 3.2. Produce evidence to the tribunal that the payments in order 3.1 have been made to the Applicant;
- 3.3. Produce evidence to the tribunal that the two insurance claims in respect of the garage door have been pursued to their conclusion and that any funds received from the insurer have been remitted to the new property factor for the Development for disbursement to homeowners.
4. Failure to comply with a PFEO has serious consequences and may constitute an offence.

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Ms. Susanne L. M. Tanner Q.C.  
Legal Member

19 July 2021