

Housing and Property Chamber First-tier Tribunal for Scotland



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/18/0132

**3B Ramsay Garden, Edinburgh, EH1 2NA
("The Property")**

The Parties:-

**Mr M A Christopher Lee and Mrs Catherine Lee, 231 Sackett Street, Brooklyn,
New York, 11231, USA
("the Homeowners")**

**Mr R C Matthew Lee, 3B Ramsay Garden, Edinburgh, EH1 2AB
("The Homeowners' Representative")**

**Factotum Scotland Limited, 63 Dublin Street, Edinburgh, EH3 6NS and 5
Hillside Crescent Edinburgh EH7 5DY
("the Property Factor")**

Tribunal Members:

Susanne L. M. Tanner Q.C. (Legal Member)

Andrew Taylor (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 60 days of intimation of the PFEO the Property Factor must:
 - 3.1. Produce and exhibit to the tribunal, the Homeowners and the Homeowners' Representative:

made in a fresh report from a qualified building surveyor instructed at the expense of the Property Factor, which Report shall also be produced to the tribunal);

3.2.2. Provide the three quotations to all relevant owners in the Tenement (the Property, 3/1 and 3/2) and in the adjoining building (4, 5 and 6 Ramsay Garden), for consultation on the proposals and quotations in accordance with the written process for consultation as referred to in 3.1.2, above;

3.2.3. Request a mandate from the owners in the properties in the Tenement and the adjoining building in accordance with the Deeds of Conditions for the Tenement and the adjoining building and / or the default tenement management scheme if applicable.

3.2.4. In the event of a vote of the appropriate number of owners that the work should proceed and one of the quotations should be accepted, instruct the agreed works, in-gather funds from the owners and instruct the works, providing a timescale in writing.

3.3. Pay to the Homeowner's Representative £750.00, as a contribution towards the cost of the fee paid to Douglas McDonald, Surveying Solutions in respect of inspection and Report; and provide documentary evidence of said payment.

3.4. Pay to the Homeowners' Representative £250.00, for the Homeowner's Representative's time, distress and inconvenience; and provide documentary evidence of said payment.

4. Failure to comply with a PFEO has serious consequences and may constitute an offence.

Susanne L. M. Tanner ^{Q.C.}
Legal Member

10 December 2018