

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/18/3124

**Flat 0/2, 29 Eriboll Place, Glasgow G22 6PA
 (“the Property”)**

The Parties:-

**Eric Hamilton, Flat 0/2, 29 Eriboll Place, Glasgow G22 6PA
 (“the Applicant”)**

**(1) YourPlace Property Management Limited, (company number SC245072)
 (formerly known as GHA (Management) Limited, Wheatley House, 25 Cochrane
 Street, Glasgow G1 1HL
 (“the First Respondent”)**

**(2) Wheatley Homes Glasgow Limited, (Company number SP2572RS) (formerly
 known as The Glasgow Housing Association Limited), Wheatley House, 25
 Cochrane Street, Glasgow G1 1HL
 (“the Second Respondent”)**

Tribunal Members:

**Graham Harding (Legal Member)
 Mike Scott (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 Second Respondent must within 30 days of the date of this order issue a written apology to the Applicant for its failure to provide adequate stair cleaning services and for its NETS employees intimidating behaviour towards the Applicant.
- (2) The Respondents must take steps to ensure that the stair cleaning services as detailed in Karen Durnian’s letter of 17 October 2018 or any subsequent modification of the service is properly carried out each week

or month where appropriate with the work subsequently being inspected each week by a Senior Manager outwith the Respondents Environmental Team with written confirmation to be provided to the Applicant and the Tribunal after a period of three months that the service has been carried out to an acceptable standard.

- (3) The Respondents must within 30 days of the date of this order credit the Applicant's account from its own funds the sum of £500.00 by way of recompense for the worry stress and inconvenience incurred as a result of the Respondents breaches of the Code

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.

Legal Member and Chair

5 December 2022 Date