

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**First-tier tribunal for Scotland (Housing and Property Chamber)**

**Property Factor Enforcement Order: Property Factors (Scotland) Act 2011  
Section 19(3)**

**Chamber Ref: FTS/HPC/PF/17/0223**

**3A Jerviston Court, Motherwell, ML1 4BS  
("The Property")**

**The Parties:-**

**Mr William Tweedie, 2 Kilnwell Quadrant, Motherwell, ML1 3JN  
("the Applicant")**

**Apex Property Factor Limited, 46 Eastside, Kirkintilloch, East Dunbartonshire,  
G66 1QH  
("the Respondent")**

**Tribunal Members:**

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

**John Blackwood (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 30 days of intimation of the PFEO the Respondent must:
  - a. Register with Registers of Scotland a Discharge of the Notice of Potential Liability for Costs in terms of Section 12 of the Tenements (Scotland) Act 2004 by Apex Property Factor Limited dated 16 December 2016 and registered 19 December 2016 relative to the Property (Title number LAN33107); and provide documentary evidence to the tribunal of its removal from the Title Sheet of the Property by the Keeper of the Register.
  - b. Pay to the Applicant the sum of £678.70 in respect of the cost of professional legal services and outlays relating to the abortive sale of the homeowner's property as detailed in invoice number 2017122 from Frelands Solicitors Estate Agents dated 12 January 2017; and provide documentary evidence of said payment.

- c. Pay to the Applicant the sum of £663.60 in respect of the cost of professional legal services and outlays provided to the Applicant homeowner for all work in connection with the dispute with the Respondent Property Factor (as detailed in invoice number 20171171 from Freelands Solicitors Estate Agents dated 16 November 2017); and provide documentary evidence of said payment.
  - d. Pay to the Applicant homeowner the sum of £250 in respect of the time, distress, worry and inconvenience occasioned by the Factor's failure to carry out its property factor's duties and to ensure compliance with its duties under the Code; and provide documentary evidence of said payment.
4. Failure to comply with a PFEO has serious consequences and may constitute an offence.

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Susanne L M Tanner QC  
Legal Member

5 March 2018