

# Housing and Property Chamber First-tier Tribunal for Scotland



## First-tier Tribunal for Scotland (Housing and Property Chamber)

### Property Factor Enforcement Order

Made under section 19(2)(a) of the Property Factors (Scotland) Act 2011 ("the Act") following upon a Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under Section 17(1) of the Act

**Chamber Ref:** HOHP/PF/16/0125

**Re: Property at Flat 1/2, 43 Eversley Street, The Spinney Estate, Glasgow, G32 8HS**

**Chamber Ref:** HOHP/PF/16/0163

**Re: Property at Flat 2/2, 42 Eversley Street, The Spinney Estate, Glasgow, G32 8HS**

#### The Parties:-

Miss Deborah Ryan ("the first homeowner")

And

FirstPort Property Services Scotland Limited, 183 St Vincent Street, Glasgow, G2 5QD ("the property factor")

And

Miss Gayle Cafferty ("the second homeowner")

And

FirstPort Property Services Scotland Limited, 183 St Vincent Street, Glasgow, G2 5QD ("the property factor")

#### Tribunal Members

**Mr James Bauld (Legal Member)**

**Ms Elaine Munroe (Ordinary Member)**

This document should be read in conjunction with the Tribunal's decision under section 19(1)(a) of the Act on the same date.

The Tribunal makes the following Property Factor Enforcement Order ("PFEO")

"The Tribunal order that the property factor makes a payment to the each of the homeowners, namely Deborah Ryan and Gayle Cafferty of the sum of £100 within four weeks of the date of this decision."

Section 19 of the 2011 Act provides as follows:

*"... (2) In any case where the tribunal proposes to make a property factor enforcement order, they 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 them.*

(3) If the tribunal are 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 tribunal must make a property factor enforcement order..."

The intimation of the tribunal's Decision and this notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the First-tier Tribunal's office by no later than fourteen days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the tribunal is likely to proceed to make a property factor enforcement order ("PFEO") without seeking further representations from the parties.

**Failure to comply with a Property Factor Enforcement Order may have serious consequences and may constitute an offence.**

Chairperson Signature J Bauld

Date 7 July 2017

D Jones (Witness Signature)

Donna Jones (Witness Name in full)

T. C. Young (Witness address)

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