

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)

ChamberRef:FTS/HPC/PF/18/0356/0357/0358/0359/0360/0362/0363/0364/0365/0366/0368/0370

**1-14 The Beech Tree, Linlithgow, EH49 6PU
("the Property")**

The Parties:-

**Mr Bob Gehrke, 14 The Beech Tree, Linlithgow EH49 6PU
("the Homeowner") and Homeowners Representative in respect of the
remaining 11 Homeowners**

**Life Property Management Limited, Regent Court, 70 West Regent Street,
Glasgow G2 2QZ
("the Factor")**

Tribunal Members:

**Graham Harding (Legal Member)
Andrew Taylor (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) Within 28 days of the date of communication to the Factor of this Property Factor Enforcement Order, the factor must make payment of the sum of £600.00 to each of the Applicants namely:-
 - Richard McLachlan, 1 The Beech Tree, Linlithgow;
 - Julie Gillespie, 2 The Beech Tree, Linlithgow;
 - Rachael Ellen, 3 The Beech Tree, Linlithgow;
 - Jennifer Duff, 4 The Beech Tree, Linlithgow;
 - Maureen Currie, 5 The Beech Tree, Linlithgow
 - Helen Quigley, 6 The Beech Tree, Linlithgow;
 - James and Anne Thomson, (jointly) 7 The Beech Tree, Linlithgow;
 - Ciaran Johnston, 8 The Beech Tree, Linlithgow
 - Andrew Inglis, 9 The Beech Tree, Linlithgow
 - Lewis Cantwell, 12 The Beech Tree Linlithgow
 - John Lovatt, 13 The Beech Tree, Linlithgow and
 - Bob Gehrke, 14 The Beech Tree, Linlithgow.

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.

G Harding

Legal Member and Chair

24th July 2018

Date