

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/21/3177; FTS/HPC/PF/22/0285; FTS/HPC/PF/22/0287; FTS/HPC/PF/22/0288; FTS/HPC/PF/22/0295; FTS/HPC/PF/22/0296; FTS/HPC/PF/22/0297; FTS/HPC/PF/22/0298; FTS/HPC/PF/22/0299; FTS/HPC/PF/22/0300; FTS/HPC/PF/22/0301; FTS/HPC/PF/22/0302

Shaw Court, Broomhill Gardens, Newton Mearns, Glasgow, G77 5HP ('the Property')

#### The Parties:

Chamber Ref	Property Address	Homeowner(s)
FTS/HPC/PF/21/3177	37 Shaw Court	James Hind
FTS/HPC/PF/22/0285	7 Shaw Court	John Wilson
FTS/HPC/PF/22/0287	8 Shaw Court	Alan Steven
FTS/HPC/PF/22/0288	4 Shaw Court	Irene Fisher
FTS/HPC/PF/22/0295	10 Shaw Court	James McIvor
FTS/HPC/PF/22/0296	21 Shaw Court	Carolynn Malone
FTS/HPC/PF/22/0297	39 Shaw Court	Dorothy Ockrim
FTS/HPC/PF/22/0298	45 Shaw Court	Beryl Craig
FTS/HPC/PF/22/0299	29 Shaw Court	Joyce Frew
FTS/HPC/PF/22/0300	47 Shaw Court	John Boyd
FTS/HPC/PF/22/0301	35 Shaw Court	Helen Young
FTS/HPC/PF/22/0295	49 Shaw Court	James Maxwell

('the Homeowners')

Mrs Beryl Craig and James Hind ('The Homeowner's Representatives')

Bield Housing and Care ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and John Blackwood (Ordinary Member).

## NOTICE TO THE PARTIES

Whereas in terms of their decision dated 12<sup>th</sup> December 2022, the Tribunal decided that the Factor had failed to comply with sections 2.5, 3.1 and 3.2 of the Code of Conduct, all as stated in the said decision; The Tribunal proposes to make a property factor enforcement order in the following terms:

*'The Factor must pay each of the Homeowners £300 for the inconvenience they have suffered from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to the Factor of the Property Factor Enforcement Order.'*

**This intimation of the Tribunal's Decision and this Notice to make a Property Factor Enforcement Order 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 Housing and Property Chamber's office by no later than 14 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 PFEO may have serious consequences and constitute an offence.**

### **Appeals**

**A party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

Signed

Date: 12<sup>th</sup> December 2022

Chairperson