

Housing and Property Chamber First-tier Tribunal for Scotland



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

Notice in respect of a proposal to make a PROPERTY FACTOR ENFORCEMENT ORDER in respect of an application under section 17 of the Property Factors (Scotland) Act 2011 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Chamber Ref: HOHP/PF/16/0158

The Parties:-

Miss Linda Young residing at Flat 0/1, 37 Whitehill Place, Dennistoun, Glasgow, G31 2BB ("the homeowner")

And

Edzell Property Management, having their offices at 1008 Pollokshaws Road, Glasgow, G41 2HG ("the property factor")

The Property:-

Subjects at Flat 0/1, 37 Whitehill Place, Dennistoun, Glasgow, G31 2BB 1968

Tribunal Members

Mr James Bauld (Legal Member)

Ms Ann MacDonald (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 proposes to make the following Property Factor Enforcement Order.

"The tribunal order that the property factor make a payment to the homeowner in the sum of £400 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.


James Bauid (Legal Member)

30 March 2017


Witness
7 West George Street, Glasgow, G2 1BA
SOLICITOR