



Notice of proposal to make a 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 Housing and Property Chamber of the First-tier Tribunal for Scotland in an application under Section 17(1) of the Act

Chamber reference: HOHP/PF/16/0164

The Property: Flat 0/1, 12 Castlebank Place, Glasgow G11 6BW (‘the property’)

The Parties:

Mr Scott Murray and Mrs Denise Murray, Flat 0/1, 12 Castlebank Place, Glasgow G11 6BW (“The Homeowners”)

Newton Property Management Limited, incorporated under the Companies Acts and having their Registered Office at 87 Dundas Road, Glasgow G4 0HF (“The Property Factors”)

Tribunal Members – Mr G Clark (Legal Member) and Mrs S Hesp (Ordinary Member)

This document should be read in conjunction with the Tribunal’s Decision under Section 19(1)(a) of the Act of the same date.

The Tribunal proposes to make the following Property Factor Enforcement Order (“PFEO”):

“Within 4 weeks of the communication to the Property Factors of the PFEO, the Property Factors shall send to the Homeowners a letter of apology for the intemperate language used in the e-mail sent by the Property Factors to the Homeowners at 16.04 on 1 September 2016 and shall pay to the Homeowners the sum of £150 by way of compensation for the upset and inconvenience caused to the Homeowners by the failure of the Property Factors to respond to the Homeowners’ complaint within prompt timescales.”

Section 19 of the 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 committee 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 Tribunal'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 property factor enforcement order may have serious consequences and may constitute an offence.

Chairperson Signature

G Clark

Date...14 July 2017