



## **Property Factor Enforcement Order**

of

**the Housing and Property Chamber of the First-tier Tribunal for Scotland**

(Hereinafter referred to as “the Tribunal”)

Under Section 19 (3) of the Property Factors (Scotland) Act 2011

Chamber Reference Number: FTS/HPC/PF/17/0142

**Re : Property at 21 Rankin Court, Greenock, PA16 9AZ (“the Property”)**

### **The Parties:-**

**Thomas Kane, 21 Rankin Court, Greenock, PA16 9AZ (“the Homeowner”)**

**River Clyde Homes (a company limited by guarantee), Roxburgh House, 102-112 Roxburgh Street, Greenock, Inverclyde PA15 4JT (“the Factor”)**

### **Tribunal Members:-**

**David Bartos (Legal Member and Chairperson)**

**Sara Hesp (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal's Decision of 15 August 2017.

### **Decision**

The First-tier Tribunal has decided to make a Property Factor Enforcement Order (“PFEO”) in the terms originally proposed by it on 15 August 2017. The decision of the Tribunal is unanimous.

### **Reasons for Decision**

In the Tribunal's Decision of 15 May 2017 it proposed to make a PFEO in certain terms.

The Tribunal indicated that prior to making a property factor enforcement order, it would provide the parties with a period of 14 days within which to make representations under section 19(2)(b) of the Act on its Decision and the terms of the proposed PFEO.

The Tribunal's decision was intimated to the parties on 21 August 2017.

No representations were made within the 14 days. The Tribunal did receive an e-mail from the Homeowner dated 24 September 2017 but this did not contain representations on the Decision or proposed PFEO. It appeared to assume that the PFEO had already been made which is not the case.

The Tribunal remains satisfied with its Decision of 15 August 2017 and confirms it.

### **Property Factor Enforcement Order**

The First-tier Tribunal hereby makes the following PFEO:

- (1) The Factor shall, within one month of the notification to them of this Order, move one planter to provide adequate protection from the passage of vehicles for the utilities cover situated adjacent to the centre of the right or south elevation of the tower block Rankin Court, Greenock (and now or at one time marked with a single red cone); and also move two other planters currently situated on the pedestrian area adjacent to said elevation in order to maintain adequate protection for the area from the passage of vehicles.
- (2) The Factor shall within one month of the notification of this Order provide to the Homeowner the quarterly invoices which were or were due to be issued on 1 March 2017 and 1 June 2017 said invoices to include the quarterly management fee for the core services provided by the Respondents ending in the 3 month period before the date that the invoice was due to be issued.
- (3) At the time of compliance with part (2) of this Order, the Factor shall lodge a copy of any documentation provided to the Homeowner in compliance with part (2), with the Tribunal.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

## **Appeals**

**A homeowner or property factor aggrieved by this 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.**

All rights of appeal are under section 46 of the Tribunals (Scotland) Act 2014 and the Scottish Tribunals (Time Limits) Regulations 2016.

Signed .....

.....9 October 2017

David Bartos, Chairperson