

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/18/1952; FTS/HPC/PF/18/2008; FTS/HPC/PF/18/2009; FTS/HPC/PF/18/2010 and FTS/HPC/PF/18/2011

6 Circus Drive, Glasgow, G31 2JH ('the Property')

The Parties:

David Niven, residing at Flat 2/1, 6 Circus Drive, Glasgow, G31 2JH; Rhona McColm, residing at Flat 1/1, 6 Circus Drive, Glasgow, G31 2JH; Steve Hollingsworth, residing at Flat 1/2, 6 Circus Drive, Glasgow, G31 2JH; Gil Shaw, residing at Flat 0/2, 6 Circus Drive, Glasgow, G31 2JH and Marie Taylor, residing at Flat 2/2, 6 Circus Drive, Glasgow, G31 2JH ('The Homeowners')

Ross and Liddell, 60 St Enoch Square, Glasgow, G1 4AW ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Andrew Taylor (Ordinary Member).

NOTICE TO THE PARTIES

Whereas in terms of their decision dated 7th January 2019, the Tribunal decided that the Factor had failed to comply with sections 2.1, 2.5 and 6.1 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:

'Ross & Liddell Limited are directed to pay (1) each of the Homeowners Rhona McColm; Steve Hollingsworth; Gil Shaw and Marie Taylor the sum of £150 and (2) the Homeowner David Niven the sum of £300 as compensation from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to them of the Property Factor Enforcement Order. Ross & Liddell Limited are directed to provide the Tribunal with evidence that the said sums have been paid within seven days of the payment being remitted to the Homeowners'

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

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

J Taylor

Signed

Chairperson Date: 7th January 2019