

Housing and Property Chamber First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order (“PFEO”)

under Property Factors (Scotland) Act 2011 section 19(2)

Case reference : FTS/HPC/PF/18/2024

Re: Property at 8a Davidson Drive, Gourock PA16 1QD (“the Property”)

The Parties :

Margaret Hughes, 8a Davidson Drive, Gourock PA16 1QD (“Applicant”)

River Clyde Homes, Roxburgh House, 102 – 112 Roxburgh Street, Greenock, Inverclyde PA15 4JT (“the Respondents”)

Tribunal Members:-

David Bartos (Legal Member and Chair)
Elizabeth Dickson (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision of the same date.

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

The Respondents shall, by no later than 12 February 2019 pay to the Applicant the sum of one hundred pounds Sterling (£ 100.00).

Section 19 of the 2011 Act provides as follows:

“(2) In any case where the First-tier Tribunal proposes to make a property factor enforcement order, it 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 it.

(3) If the First-tier Tribunal is 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 First-tier Tribunal must make a property factor enforcement order."

The intimation of the First-tier Tribunal's Decision and this proposed PFEO to the parties should be taken as notice for the purposes of section 19(2)(a). Parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) reach the First-tier Tribunal by no later than 14 days after the date that the Decision and this proposed PFEO is sent to them by the First-tier Tribunal. If no representations are received within that timescale, then the First-tier Tribunal is likely to proceed to make a PFEO without seeking further representations from the parties.

Failure to comply with a PFEO once made has serious consequences and may constitute an offence.

David Bartos

Legal Member and Chair

15 January 2019 _____ Date