

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)

Chamber Ref: 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)

Sara Hesp (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”):

- (1) The Factor shall, within one month of the notification to them of the 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.

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.

D Bartos

_____ Legal Member and Chair

15TH AUGUST 2017 Date