



# Property Factors (Scotland) Act 2011

## 2011 asp 8

### PART 2

#### DISPUTE RESOLUTION

##### *Property factor enforcement orders*

#### 19 [F<sup>1</sup>Determination by the First-tier Tribunal]

- (1) The [F<sup>2</sup>First-tier Tribunal must, in relation to a homeowner's application referred to it under section 18(1)(a),] decide—
  - (a) whether 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, and
  - (b) if so, whether to make a property factor enforcement order.
- (2) In any case where the [F<sup>3</sup>First-tier Tribunal] proposes to make a property factor enforcement order, [F<sup>4</sup>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 [F<sup>5</sup>it] .
- (3) If the [F<sup>6</sup>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 [F<sup>7</sup>First-tier Tribunal] must make a property factor enforcement order.
- (4) Subject to section 22, no matter adjudicated on by the [F<sup>8</sup>First-tier Tribunal] may be adjudicated on by another court or tribunal.

#### Textual Amendments

- F1** S. 19 title substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Committees\) Regulations 2016 \(S.S.I. 2016/335\)](#), reg. 1(2), **sch. 2 para. 8** (with sch. 1 para. 5)
- F2** Words in s. 19(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Committees\) Regulations 2016 \(S.S.I. 2016/335\)](#), reg. 1(2), **sch. 2 para. 7(a)** (with sch. 1 para. 5)

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*Changes to legislation: There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Section 19. (See end of Document for details)*

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- F3** Words in s. 19(2) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016 (S.S.I. 2016/335), reg. 1(2), **sch. 2 para. 7(b)(i)(aa)** (with sch. 1 para. 5)
- F4** Word in s. 19(2) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016 (S.S.I. 2016/335), reg. 1(2), **sch. 2 para. 7(b)(i)(bb)** (with sch. 1 para. 5)
- F5** Word in s. 19(2)(b) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016 (S.S.I. 2016/335), reg. 1(2), **sch. 2 para. 7(b)(ii)** (with sch. 1 para. 5)
- F6** Words in s. 19(3) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016 (S.S.I. 2016/335), reg. 1(2), **sch. 2 para. 7(c)(i)** (with sch. 1 para. 5)
- F7** Words in s. 19(3) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016 (S.S.I. 2016/335), reg. 1(2), **sch. 2 para. 7(c)(ii)** (with sch. 1 para. 5)
- F8** Words in s. 19(4) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016 (S.S.I. 2016/335), reg. 1(2), **sch. 2 para. 7(d)** (with sch. 1 para. 5)

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#### **Commencement Information**

- I1** S. 19 in force at 1.10.2012, see s. 33(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Section 19.