

Housing and Property Chamber

First-tier Tribunal for Scotland



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

In respect of an Application under section 17 of the Property Factors (Scotland) Act 2011 (“the 2011 Act”)

Chamber Ref: FTS/HPC/LM/24/1367

The Property: Holmes Park, 13 Joseph Cumming Gardens, Broxburn, West Lothian, EH52 5AN (“The Property”)

The Parties:

Mr David McLeod, residing at Holmes Park, 13 Joseph Cumming Gardens, Broxburn, West Lothian, EH52 5AN (“the Applicant”) and

Charles White Ltd, 14 New Mart Road, Edinburgh, EH14 1RL (“the Respondent”)

Tribunal Members:

Mr G. McWilliams (Legal Member)

Mrs H Barclay (Ordinary Member)

DECISION

The Tribunal make a Property Factor Enforcement Order in accordance with the terms of the Proposed Property Factor Enforcement Order.

The Tribunal’s decision is unanimous.

REASONS FOR DECISION

1. In the Tribunal’s decision, dated 14th March 2025, they stated that they proposed to make a Property Factor Enforcement Order (“PFEO”) The Tribunal stated, in the Proposed PFEO, also dated 14th March 2025, that, prior to making a PFEO, the parties had a period of 14 days within which to make representations regarding the Proposed PFEO under section 19(2)(b) of the 2011 Act.

2. The Decision Notice and Proposed PFEO, both dated 14th March 2025, were issued to the parties on 20th March 2025. Neither the Respondent nor the Applicant have made any representations in respect of the Proposed PFEO. In the circumstances the Tribunal is satisfied that it is fair and just to make a PFEO in the following terms:

The Respondent is to submit to the Tribunal satisfactory documentation confirming a regular and appropriate training schedule for their customer relations managers (CRMs’), specifically relating to CRMs handling of homeowners’ queries and complaints in line with the terms of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors (“the Code”), within 28 days of the date of issue of this PFEO.

3. In terms of Section 24 (1) of the 2011 Act, a person/ body who, without reasonable excuse, fails to comply with a PFEO, commits 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.

G McWilliams Tribunal Legal Member 9th May 2025