

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision Certifying Compliance following upon a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under section 17(1) of the Property Factors (Scotland) Act 2011**

**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 of the Tribunal**

**The Tribunal certifies that the Respondent has complied with the Property Factor Enforcement Order (“PFEO”), dated 9<sup>th</sup> May 2025, relating to the Property.**

**Reasons for Decision**

1. The Tribunal determined that the Respondent had failed to comply with their duties under Section 14(5) of the Property Factors (Scotland) Act 2011 (“the

2011 Act”) in that they did not comply with the Overarching Standards of Practice 2, 4 and 6 as well as Section 2.1 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors (“the Code”).

2. The Tribunal granted a PFEO, dated 9<sup>th</sup> May 2025, 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. By email dated 15<sup>th</sup> May 2025 the Respondent stated in detail the actions which they are carrying out to comply with the PFEO. They supplied supporting documentation. The Tribunal’s office sent an email to the Applicant on 19<sup>th</sup> May 2025, seeking his comments in respect of the Respondent’s said email. The Applicant has not contacted the Tribunal’s office in reply to that email.
4. Given the terms of the Respondent’s email, dated 15<sup>th</sup> May 2025, and, also, as the Applicant has not made any representations to contradict those terms, the Tribunal is satisfied that the PFEO has been complied with by the Respondent. No further action is required by the Respondent in terms of the PFEO which is now deemed to be completed.

### **Right of Appeal**

5. 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 - Legal Member**  
**23<sup>rd</sup> February 2026**