

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(2)

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)

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

Proposed Property Factor Enforcement Order

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

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 Code, within 28 days of the date of issue of the PFEO.

Section 19(2) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”) provides as follows:

The intimation of the Tribunal's Decision and proposed PFEO to the parties should be taken as notice for the purposes of Section 19(2)(a) of the 2011 Act. Parties are hereby given notice that they should ensure that any written representations which they wish to make in terms of Section 19(2)(b) of the 2001 Act reach the Tribunal no later than 14 days after the date that the Decision and proposed PFEO are sent to them by the Tribunal. If no representations are received within that timescale the Tribunal can issue a PFEO without seeking further representations from the parties.

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.

G McWilliams

Tribunal Legal Member 14th March 2025.