

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision and Certificate of Compliance with Property Factors Enforcement Order (PFEO) under Section 20 of the Property Factors (Scotland) Act 2011 (Act)

Chamber Ref: FTS/HPC/LM/20/1662

The Parties:-

John Aitchison Cameron, 19 Regis Court, Edinburgh, EH4 6RG (“the Homeowner”)

Charles White LTD, City Point, 65 Haymarket Terrace, Edinburgh, EH12 5HD (“the Property Factor”)

The Tribunal:-

Melanie Barbour (Legal Member)
John Blackwood (Ordinary Member)

Decision

1. The First-Tier Tribunal for Scotland (Housing and Property Chamber) (Tribunal) having determined that the Property Factor has complied with the Property Factors Enforcement Order (PFEO) dated 19 November 2021; hereby certifies that the Property Factor has complied with the PFEO.

Reasons for Decision

2. In terms of the Tribunal’s decision of 19 November 2021 it made a PFEO as follows: Within a period of two months from the date of the PFEO, the Factor must: 1. From their own funds pay the homeowner the sum of £200.00 as compensation; and 2. Provide a written apology to the homeowner for the Property Factor’s failure to properly discharge duties, namely, to discuss with any owner’s association proposed changes to the fee with the association, for approval prior to letters being issued to owners (see Written Statement of Services 1 January 2018 page 9 section 3 A third paragraph).

3. By email dated 22 November 2021 the Factor wrote to the tribunal confirming that they had sent to the homeowner a cheque for £200 and a written apology in accordance with the terms of the PFEO.
4. Accordingly, the Tribunal determines that the PFEO had been complied with.

Appeals

A homeowner or property factor 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.

Melanie Barbour

Legal Member and Chair

13 February 2022