



PROPERTY FACTOR ENFORCEMENT ORDER

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011**

Chamber Ref:FTS/HPC/PF/20/1383

Flat 33, Falcon House, 91 Morningside Road, Edinburgh, EH10 4AY ('the Property')

The Parties:

Mrs Ethel Thomson residing at flat 33, Falcon House, 91 Morningside Road, Edinburgh, EH10 4AY ('the Homeowner')

Residential Management Group Scotland Limited having their registered office at Unit 6, 95 Morrison Street, Glasgow, G5 8BE ('the Factor')

Committee members:

Jacqui Taylor (Chairperson) and Angus Anderson (Ordinary Member).

NOTICE TO THE PARTIES

The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the property factor's duties in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with sections 2.1, 3.3, 4.5 and 6.4 of the Code of Conduct and to carry out Property Factor duties, all as stated in their decision dated 16th October 2020. The Tribunal intimated to the parties, in terms of their said decision dated 16th October 2020, that they proposed to make a Property Factor Enforcement Order.

The parties made no substantive representations on the terms of the proposed Property Factor Enforcement Order.

In terms of section 19(3) of the Property Factors (Scotland) Act 2011 if the Tribunal are satisfied that the Factor has failed to carry out the property factors' duties or, as the case may be, to comply with the section 14 duty, the Tribunal **must** make a property factor enforcement order. Consequently, the Tribunal make the following Property Factor Enforcement Order:

'Residential Management Group Scotland Limited are directed:-

(First) To prepare a detailed financial breakdown of charges made, works and activities carried out relative to the Property Flat 33, Falcon House, 91 Morningside Road, Edinburgh, EH10 4AY for the period 1st October 2017-30th September 2018 and to provide a copy to Mrs Thomson and The Tribunal by 10th February 2021.

(Second) To remit the sum of £500 to Mrs Thomson, the Homeowner, from their own funds and at no cost to the owners of Falcon House. The said sums to be paid by 10th February 2021. Residential Management Group Scotland Limited are directed to provide the Tribunal with evidence that the said sums have been paid within seven days of the payment being remitted to the Homeowner.'

Failure to comply with a PFEO may have serious consequences and constitute 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.

Signed

Chairperson Date: 10th January 2021