

Housing and Property Chamber First-tier Tribunal for Scotland



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

PROPERTY FACTOR ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/PF/20/2100

Re: 32 Tudsbery Avenue and 2 Dingwall Place, Edinburgh, EH16 4GX (“The Property”)

The Parties:-

Miss Valerija Voitovic residing at 32 Tudsbery Avenue, Edinburgh, EH16 4GX (“the Homeowner”) and

Residential Management Group Scotland Limited, having a place of business at RMG House, Essex Road, Hoddesdon, EN11 0DR (“The Factor”).

Tribunal Members

Karen Moore (Legal Member)

Carol Jones (Ordinary Member)

Background

Having determined by Decision issued on 3 February 2021 that the Factor had failed to comply with Section 17 of the Act, the Tribunal determined to issue a Property Factor Enforcement Order (“PFEO”) and having given notice in accordance with Section 19(2)(a) of the Act of the proposed PFEO on 8 February 2021 and having received no response from the Parties, the Tribunal now makes the following PFEO.:-

No later than 20 April 2021, the Factor must:

1. Make payment to the Homeowner of the sum of £250 in recognition of the inconvenience that the Factor’s breaches of the Code have caused to the Homeowner;
2. At its own expense, refund to the owners of 2 Dingwall Place the sums paid by them in respect of the Eden Group invoice for £1,524.84;
3. Provide the Homeowner and the other owners of the Property with copies of all correspondence and communications in its possession, including guarantees and communications with guarantors and guarantee holders, in respect of the

roof and the repairs instructed, carried out and contemplated together with a timescale for completion of all outstanding identified works;

4. Provide the Homeowner and the other owners of the Property with copies of all correspondence and communications in its possession in respect of the poplar tree which appears to be causing damage at the Property, including repairs and works instructed, carried out and contemplated together with details of the agreement with Places for People and a timescale for completion of all the works;
and
5. Provide to the Tribunal documentary evidence of compliance with the above Orders.

Appeal

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.

Karen Moore

Chairperson

25 March 2021