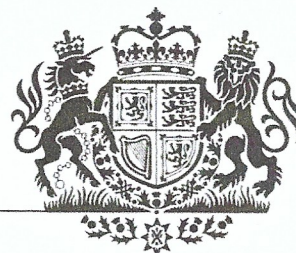


# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Property Factor Enforcement Order (“PFEО”): Property Factors (Scotland) Act 2011 Section 19(3)**

**Chamber Ref: FTS/HPC/PF/19/1277**

**48/7 Hillpark Grove, Edinburgh, EH4 7AP (“the House”)**

#### **The Parties:-**

**Mrs Carol Wood, 48/7 Hillpark Grove, Edinburgh, EH4 7AP (“the Homeowner”)**

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

#### **Decision**

The Tribunal has decided that it should make a PFEО in the terms originally proposed by it. The decision of the Tribunal is unanimous

#### **Reasons for Decision**

In the Tribunal’s decision of 27<sup>th</sup> November 2019, it proposed to make a PFEО as follows:

“The Property Factor is required to:

1. Pay to the Homeowner within 21 days of intimation to them of the PFEО the sum of £1500 from their own funds and at no cost to the development homeowners, in order to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor’s failure to comply with the Property Factors Code of Conduct; and
2. Prepare a schedule of proposed staff training to be carried out by an outside party to ensure that all staff are fully aware of the respondent’s obligations:-
  - i. to have detailed knowledge of the terms of the Code of Practice and to ensure that they comply with it;
  - ii. to comply with their duties arising from the Deed of Conditions;
  - iii. to ensure adequate customer relations and to communicate effectively including effective telephone logging procedures;
  - iv. to ensure all staff are fully aware of the respondent’s complaints procedure and when to implement this;



including details of the provider of the training, the timescales for the provision of delivery of the training which training should be completed within eight weeks of the date of the PFEO. The Factor must provide the Housing and Property Chamber with the schedule and details of the training carried out upon completion.”

The Tribunal indicated that, prior to making a PFEO, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act. The Tribunal’s decision was intimated to the parties on 12<sup>th</sup> December 2019.

Neither party made representations on the proposed PFEO.

The Tribunal confirmed its decision made on 27<sup>th</sup> November 2019 in terms of Section 19(1)(a) of the Act. The Tribunal agreed that it would be appropriate to make a PFEO.

### **Property Factor Enforcement Order**

The First-tier Tribunal hereby makes the following PFEO:

The Property Factor is required to:

1. Pay to the Homeowner within 21 days of intimation to them of the PFEO the sum of £1500 from their own funds and at no cost to the development homeowners, in order to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Factor’s failure to comply with the Property Factors Code of Conduct; and
2. Prepare a schedule of proposed staff training to be carried out by an outside party to ensure that all staff are fully aware of the respondent’s obligations:-
  - i. to have detailed knowledge of the terms of the Code of Practice and to ensure that they comply with it;
  - ii. to comply with their duties arising from the Deed of Conditions;
  - iii. to ensure adequate customer relations and to communicate effectively including effective telephone logging procedures;
  - iv. to ensure all staff are fully aware of the respondent’s complaints procedure and when to implement this;

including details of the provider of the training, the timescales for the provision of delivery of the training which training should be completed within eight weeks of the date of the PFEO. The Factor must provide the Housing and Property Chamber with the schedule and details of the training carried out upon completion.

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

## **Right of 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.

Helen Forbes

Legal Member and Chairperson  
13<sup>th</sup> January 2020