

Housing and Property Chamber

First-tier Tribunal for Scotland



Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) 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

Whereas in terms of their decision dated 16th October 2020 the Tribunal decided 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 the said decision, the Tribunal proposes to make a Property Factor Enforcement Order in the following terms:

'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 31st December 2020.

(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 31st December 2020. 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.'

This intimation of the Tribunal's Decision and this Notice to make a Property Factor Enforcement Order to the parties should be taken as notice for the purposes of section 19(2)(a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale then the Tribunal is likely to proceed to make a Property Factor Enforcement Order (PFEO) without seeking further representations from the parties.

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.

Chairperson

Date: 16th October 2020