

Housing and Property Chamber

First-tier Tribunal for Scotland



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

In an Application under section 17 of the Property Factors (Scotland) Act 2011

by

Sandra Dickson, 1 Myre Dale, Bonnyrigg EH19 3NW (“the Applicant”)

**Charles White Limited, Citypoint, 65 Haymarket Terrace, Edinburgh EH12 5HD
 (“the Respondent”)**

Reference No: FTS/HPC/PF/20/2395

**Re: Property at GF2, Chilton, Gracefield Court, Musselburgh EH21 6LL
 (“the Property”)**

Tribunal Members:

John McHugh (Chairman) and Mike Links (Ordinary (Surveyor) Member).

Decision

The Tribunal hereby determines that the Property Factor Enforcement Order has been complied with.

The decision is unanimous.

Reasons for Decision

The Tribunal issued a Property Factor Enforcement Order (“PFEO”) on 5 April 2022 in the following terms:

“Within 31 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

Confirm to the office of the Tribunal in writing that it has implemented appropriate safeguards to ensure that the Development contingency fund may not be used other than with appropriate authority of the owners.”

In terms of section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.

The Tribunal gave consideration to the extent to which the PFEO had been complied with.

The Respondent had provided the Tribunal with a letter dated 8 February 2022 (issued in response to the Proposed PFEO) which confirmed its compliance. Both parties have, in addition, provided written confirmation to the Tribunal that they consider that the PFEO has been complied with.

The Tribunal hereby finds that the PFEO has been complied with.

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

Date 25 May 2022

JOHN M MCHUGH

Chairperson