

Housing and Property Chamber First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order following a Decision under Section 17 of the Act.

Reference number:

FTS/HPC/PF/22/1140

Re: Property at 13 Joseph Cumming Gardens, Broxburn, EH52 5AN (“the Property”)

The Parties:

Mr. David McLeod residing at the Property (“the Homeowner”)

Charles White Limited having an 65 Haymarket Terrace, Edinburgh, EH12 5HD (“the Property Factor”)

Tribunal Members

Karen Moore (Chairperson) and Helen Barclay (Ordinary Member)

Background

Having determined by Decision dated 17 August 2022 that the Property Factor had failed to comply with the Section 14 duty and its Property Factor’s Duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEO”), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following PFEO and invites the Parties to make representations no later than 31 August 2022:-

Proposed PFEO:

No later than [3 weeks from date of PFEO] the Property Factor must at its own cost and expense

1. Provide the Homeowner with a letter of apology for its actions in its dealings with him which gave rise to his application to the Tribunal and

2. Compensate the Homeowner in the sum of £500.00 for the distress, inconvenience and stress caused to him by the Property Factor's actions.

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

22 August 2022