

Housing and Property Chamber
First-tier Tribunal for Scotland



Certificate of Compliance following upon a Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under Section 17(1) of the Property Factors (Scotland) Act 2011 Act

Chamber Ref: FTS/HPC/LM/17/0086

5 Hillpark Grove, Edinburgh, EH4 7AP
Registered in the Land Register of Scotland under Title Number MID61536
("The House")

The Parties:-

Mr Aylmer Millen, residing at the House
("the homeowner")

Charles White Limited
65 Haymarket Terrace, Edinburgh, EH12 5HD
("the property factor")

Members of the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"): Martin McAllister, solicitor, legal member and Elizabeth Dickson, ordinary member.

Certificate of Compliance with Property Factor Enforcement Order dated 4th August 2017.

The Tribunal determines that the said property factor enforcement order has been complied with.

Terms of Property Factor Enforcement Order (PFEO)

1. The property factor will make a payment of £200 to the homeowner by way of compensation for breaches of the Code of Conduct for Property Factors and breach of the property factor's duties; such payment will be made within twenty eight days of service of the property factor enforcement order.
2. The property factor is to provide an undertaking to the tribunal that it will, in future, ensure that any insurance it places in relation to the common parts of the development is in accordance with the terms of the title obligations in respect of the house at 5 Hillpark Grove, Edinburgh, EH4 7AP and is within the authority granted by

all the proprietors of the development. The undertaking is to be provided within twenty eight days of service of the property factor enforcement order.

Reasons for Decision

Both parties responded. The property factor wrote to the Tribunal on 22nd September 2017 and stated that a cheque for £200 had been sent to the homeowner. The letter also provided an undertaking which the Tribunal considered to be in accordance with the requirements of the second part of the PFEO. The homeowner wrote on 1st October, confirmed that he had received payment of £200 but could not comment on whether or not the property factor had complied with the second part of the PFEO.

Appeals

A homeowner or property factor 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.

[REDACTED]

Martin J. McAllister
Legal Member,
Housing and Property Chamber
First-tier Tribunal for Scotland
31ST October 2017