

Housing and Property Chamber

First-tier Tribunal for Scotland



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

in

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

by

Sandra Dickson, Chilton, Gracefield Court, Musselburgh EH21 6LL (“the Applicant”)

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

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

Chamber Ref: FTS/HPC/LM/23/0252

Tribunal Members:

John McHugh (Chairman) and Elaine Munroe (Ordinary (Housing) Member).

DECISION

We are of the view that we should make a property factor enforcement order in the terms originally proposed by us.

Our decision is unanimous.

REASONS FOR DECISION

In our decision of 16 August 2023 we indicated that we proposed to make a property factor enforcement order (“PFEO”).

We indicated that prior to making a property factor enforcement order, we would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

Our decision was intimated to the parties on 17 August 2023.

The Tribunal has dealt with an application by the Respondent for review of the Decision which was refused on 12 September 2023.

Other than the application from the Respondent which was treated as a request for a review, no representations have been received from the parties on the content of the Proposed PFEO. The Respondent has indicated that it has requested information from the Applicant in order to make the payment required by the PFEO.

We consider that it is appropriate in terms of section 19(3) of the Act to make a property factor enforcement order.

Parties will in due course be invited to comment upon whether they consider that the PFEO has been complied with.

Property Factor Enforcement Order

We hereby make the following Property Factor Enforcement Order (“PFEO”):

Within 35 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 Pay to the Applicant the sum of £75, such payment to be by way of a cheque made payable to the Applicant or bank transfer as opposed to a credit to her factoring account.**
- 2 Confirm in writing to the office of the Tribunal that step 1 above has been carried out.**

Failure to comply with a property factor enforcement order may have serious consequences and may 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.



Signed

Date 3 October 2023

JOHN M MCHUGH

Chairperson

