

Housing and Property Chamber
First-tier Tribunal for Scotland



PROPERTY FACTOR ENFORCEMENT ORDER

Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/LM/17/0037

5 Hillpark Grove, Edinburgh, EH4 7AP ('the Property')

The Parties:

Aylmer Millen residing at 5 Hillpark Grove, Edinburgh, EH4 7AP ('the Homeowner')

Charles White Limited, Citypoint, 65 Haymarket Terrace, Edinburgh, EH12 5HD ('the Factor')

Committee members:

Jacqui Taylor (Chairperson) and Ahsan Khan (Ordinary Member).

NOTICE TO THE PARTIES

The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the property factor's duties in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with section 7.2 of the Code of Conduct, all as stated in the said decision.

The Tribunal intimated to the parties, in terms of their said decision dated 15th May 2017 that they proposed to make a Property Factor Enforcement Order. The only representations received were detailed representations from the Homeowner dated 25th May 2017. He invited the Tribunal to reconsider its Decision and the Property Factor Enforcement Order. The Homeowner's representations were carefully considered by the Tribunal. They did not consider that they added any additional matters which would necessitate them in reviewing their Decision or the Proposed Property Factor Enforcement Order.

As no material representations have been received from the parties in relation to the proposed Property Factor Enforcement Order the Tribunal make the following Property Factor Enforcement Order:

The Factor is directed to provide the Tribunal with written confirmation that they have reviewed their complaints handling procedure to ensure that it complies with their Written Statement of Services.

The said details and evidence to be provided to the Tribunal by 31st August 2017.

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.

Signed

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Chairperson Date: 10th July 2017