

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

Stephen John Day, Corrie Lodge, Corrie, Lockerbie DG11 2NG (“the Applicant”)

Charles White Ltd, 14 New Mart Road, Edinburgh EH14 1RL (“the Respondent”)

Re: Property at Flat 2, 1 Hillpark Rise, Edinburgh (“the Property”)

Tribunal Ref: FTS/HPC/PF/23/1936 &1937

Tribunal Members:

John McHugh (Chairman) and Andrew Taylor (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

On 10 April 2026, the Tribunal issued a written Decision. That Decision included a PFEO 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:

- 1 Credit to the Applicant’s factoring account the sum of £360*
- 2 Transfer to the new factors responsible for the grounds maintenance of the Development the sum of £885.25 and to provide an explanation that such sums to be applied by the new factors to the benefit of the current owners of properties within the Development who are responsible for payments for ground maintenance.*
- 3 Confirm in writing to the office of the Tribunal that step 1 and 2 above have been carried out.”*

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 submitted a written response to the Tribunal dated 27 April in which it asserts that the PFEO has been complied with. The Applicant has been asked to confirm his agreement but no response has been received to communications sent by the Tribunal to him. The Tribunal therefore resolved to proceed to consider whether there had been compliance with the PFEO based on the available evidence.

The Tribunal hereby finds based on the Respondent’s information 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.

JOHN M MCHUGH Chairperson

26 August 2026

