

Housing and Property Chamber First-tier Tribunal for Scotland



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)
In an Application under section 17 of the Property Factors (Scotland) Act 2011**

by

Aylmer Millen, 5 Hillpark Grove, Edinburgh EH4 7AP (“the Applicant”)

**Charles White Limited, Citypoint, 65 Haymarket Terrace, Edinburgh EH12 5HD
 (“the Respondent”)**

Reference No: FTS/HPC/PF/18/3060

**Re: Property at Hillpark Grove, Edinburgh
 (“the Property”)**

Tribunal Members:

John McHugh (Chairman) and David Hughes Hallett (Ordinary (Surveyor) 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 18 February 2019 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 11 February 2019.

No relevant representations were received from the Respondent. The Applicant has made representations dated 28 February 2019 concerning the materiality of changes to the Respondent's Written Statement of Services and the likelihood of similar issues to those which arose in this case arising in future. These comments do not relate directly to the terms of the PFEO. Accordingly, we have decided to issue the PFEO in the form previously intimated.

Property Factor Enforcement Order

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

"Within 40 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 £100, such payment to be by way of a cheque made payable to the Applicant or bank transfer as opposed to a credit to his 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 8 March 2019

JOHN M MCHUGH

Chairperson