

Housing and Property Chamber First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order following a Decision under Section 17 of the Act.

Reference number: FTS/HPC/PF/22/1934

Re: Property at 4/29, Constitution Street, Edinburgh EH6 7BT (“the Property”)

The Parties:

Mr. Paul Carmichael residing at the Property (“the Homeowner”)

Ross and Liddell Limited, 6, Clifton Terrace, Edinburgh, EH12 5DR (“the Property Factor”) per their agents, Raeside Chisholm Solicitors Limited, Tontine House, 8, Gordon Street Glasgow G1 3PL (“the Property Factor’s Agents”)

Tribunal Members

Karen Moore (Chairperson) and Ahsan Khan (Ordinary Member)

Background

Having determined by Decision dated 30 January 2023 that the Property Factor had failed to comply with the Section 14 duty and its Property Factor’s Duties in terms of the Act, and having determined to issue a Property Factor Enforcement Order (“PFEO”), the Tribunal gives Notice in accordance with Section 19(2)(a) of the Act that the Tribunal proposed the following PFEO and invites the Parties to make representations no later than 15 February 2023:-

Proposed PFEO:

No later than [3 weeks from date of PFEO] the Property Factor must at its own cost and expense:

1. Provide the Homeowner and the Tribunal with accurate arithmetic calculations of (i) each of the insurance premia which they have been charged to him during his ownership of the Property and (ii) each of the insurance premia which should have been charged to him during his ownership of the Property in terms of the title deeds;

2. Provide the Homeowner and the Tribunal with the formulae on which the above arithmetic calculations are based;
3. Compensate the Homeowner in the sum of £500.00 for the inconvenience caused to him by the Property Factor's actions and
4. Reimburse the Homeowner in respect of any overcharged premia paid by him.

Appeal

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

Karen Moore,

Chairperson

30 January 2023