

Housing and Property Chamber

First-tier Tribunal for Scotland



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

VARIATION OF PROPERTY FACTOR ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/PF/20/2100

Re: 32 Tudsbery Avenue and 2 Dingwall Place, Edinburgh, EH16 4GX ("The Property")

The Parties:-

Miss Valerija Voitovic residing at 32 Tudsbery Avenue, Edinburgh, EH16 4GX ("the Homeowner") and

Residential Management Group Scotland Limited, having a place of business at RMG House, Essex Road, Hoddesdon, EN11 0DR ("The Factor").

Tribunal Members

Karen Moore (Legal Member)

Carol Jones (Ordinary Member)

Background

The Tribunal having determined that the Factor should be given further time to comply with the Property Factor Enforcement Order ("PFEO") made by it on 25 March 2021, now varies the PFEO in terms of Section 21(2)(a) of the Act to allow a further period within which the action required by the PFEO must be executed and, in terms of Section 21(2)(b), of the Act varies the PFEO to set out the documentation which the Tribunal requires to evidence compliance as follows:

No later than 31 JULY 2021 the Factor must:

- i) Provide to the Tribunal documentary proof that it has made payment to the Homeowner of the sum of £250 in recognition of the inconvenience that the Factor's breaches of the Code have caused to the Homeowner;
- ii) Provide to the Tribunal documentary proof that it has refunded to all of the owners of 2 Dingwall Place the sums paid by them in respect of the Eden Group invoice for £1,524.84;

- iii) Provide to the Tribunal documentary proof that it has sent to the Homeowner and the other owners of the Property, being all of the owners at 32 Tudsbery Avenue and 2 Dingwall Place, Edinburgh, EH16 4GX , copies of all correspondence and communications in its possession, including guarantees and communications with guarantors and guarantee holders, in respect of the roof and the repairs instructed, carried out and contemplated together with a timescale for completion of all outstanding identified works and
- iv) Provide to the Tribunal documentary proof that it has sent to the Homeowner and the other owners of the Property , being all of the owners at 32 Tudsbery Avenue and 2 Dingwall Place, Edinburgh, EH16 4GX , copies of all correspondence and communications in its possession in respect of the poplar tree which appears to be causing damage at the Property, including repairs and works instructed, carried out and contemplated together with details of the agreement with Places for People and a timescale for completion of any outstanding works.

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

25 March 2021