

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order: Property Factors (Scotland) Act 2011, Section 19(3)

Chamber Ref: FTS/HPC/PF/19/2093

**Property at 20/7 Coburg Street, Edinburgh, EH6 6HL
("The Property")**

The Parties:-

**Carol Black, 20/7 Coburg Street, Edinburgh, EH6 6HL
("the Applicant")**

**James Gibb Property Management Limited, 4 Atholl Place, Edinburgh, EH3 8HT
("the Respondent")**

Tribunal Members:

Ms Susanne L M Tanner QC (Legal Member)

Mr David Godfrey (Ordinary Member)

1. This document should be read in conjunction with the decision of the same date of the First-tier Tribunal ("the tribunal") under Section 19(3) of the Property Factors (Scotland) Act 2011 ("the 2011 Act").
2. By decision of even date with this Notice, the Tribunal determined that it must make a Property Factor Enforcement Order.
3. Within 56 days of intimation of the PFOE the Respondent must:
 - 3.1. Pay to the Applicant in cleared funds the sums of:
 - (i) TWO HUNDRED AND NINETY SEVEN POUNDS AND TWENTY PENCE (£297.20) STERLING, in respect of refund of management fees already paid by the Applicant;

(ii) ONE THOUSAND POUNDS (£1,000) STERLING, in respect of the Applicant's time and inconvenience in dealing with the complaints process and the tribunal proceedings in relation to the Respondent's failures;

3.2. Produce evidence to the tribunal that the payments in order 3.1 have been made to the Applicant;

3.3. Instruct a competent contractor to attend to the following issues on the common property at the Development:

3.3.1. Repair or replace the damaged bollard in order that it is in the condition it was in prior to being damaged by Keystone;

3.3.2. Replace or repair the vennel render damaged during jet washing by Keystone; and

3.3.3. Repair the ceiling damage in the vennel;

with all of the above work to be carried out at the Respondent's expense and not to be charged back to homeowners at the Development, including the Applicant (subject to the Respondent's right to pursue the original contractor to recover and retain their costs).

3.4. Produce evidence to the tribunal that the works specified in order 3.3 above have been completed.

4. Failure to comply with a PFEO has serious consequences and may constitute an offence.

Ms. Susanne L. M. Tanner Q.C.
Legal Member

3 February 2020