



**Decision and statement of reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under section 19 of the Property Factors
(Scotland) Act 2011**

Reference number: FTS/HPC/PF/23/2830

The Parties:

Mrs Jane Calder Pyat Shaws Cottage Longyester Near Gifford East Lothian EH41 4PL, ('the Homeowner').

Charles White LTD 14 New Mart Road Edinburgh EH14 1RL (" the Property Factor")

2F1 Chilton Gracefield Court Musselburgh EH22 ('the Property').

Legal Member: Lesley Anne Ward

Ordinary Member: Nick Allan

1. Decision

The Tribunal having determined that the proposed Property Factor Enforcement Order dated 4 June 2024 ('PFEO') relating to the Property has been complied with, decided that a PFEO is not required.

Reasons for the Decision

2. On 4 June 2024 the Tribunal issued a proposed PFEO in the following terms:

- (1) The Tribunal order the Property Factor to:
 - (a) Provide a written apology to the homeowner for providing erroneous information in connection with the voting arrangements set out in the title deeds.

(b) Contact all of the 72 homeowners in the development at Gracefield Court and advise them that they made an error in advising the homeowners that a majority of owners were required to make a change to the insurance arrangements and to advise them of the correct voting provision set out in clause 19 of the deed of conditions.

Confirmation of the Property Factor's compliance with this order shall be provided to the Homeowner and the Tribunal no later than 2 months of intimation of the PFEO.

(2) The Tribunal order the Property Factor to pay to the Homeowner the sum of £500 for her time, effort and inconvenience, within 28 days of intimation of the PFEO.

2. On 2 July 2024 the Property Factor wrote to the Tribunal to confirm that the proposed PFEO had been complied with. They provided a copy of a letter sent to the Homeowner dated 14 June 2024 enclosing a cheque for £500. The letter also contained an apology as set out in part 1(a) of the proposed PFEO. They also provided a copy of a letter sent out to all homeowners in the development on 1 July 2024 in compliance with part 1(b) of the proposed PFEO. The letter also invited owners to a meeting on 16 July 2024 regarding the apportionment of the property excess for the development. The proposed PFEO has therefore been complied with in full.

3. The Tribunal has therefore decided it is not necessary to issue a PFEO. No further action is required by the Property Factor in terms of the proposed PFEO.

Right of 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.

Lesley A Ward

18 July 2024

Legal Member

Date