

Housing and Property Chamber

First-tier Tribunal for Scotland



Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 19(2)(a) of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/23/4235

Re: Property at 25 Waterfront Avenue, Edinburgh, EH5 1RT (“the Property”)

Parties:

Mr Daniel Castro, 25 Waterfront Avenue, Edinburgh, EH5 1RT (“the Homeowner”)

Residential Management Group Scotland Limited, Unit 6, 95 Morrison Street, Glasgow (“the Property Factor”)

Tribunal Members:

**Fiona Watson (Legal Member)
Frances Wood (Ordinary Member)**

NOTICE TO THE PARTIES

Whereas in terms of their Decision dated 2 September 2024, the Tribunal decided that the Property Factor had failed to comply with parts 2 and 3 of the Overarching Standards of Practice and sections 1.1 and 1.5 of the Property Factor Code of Conduct 2021 all as stated in the said Decision, the Tribunal proposes to make a Property Factor Enforcement Order in the following terms:

“The Property Factor must

- (i) make reasonable payment to the Homeowner to compensate them for inconvenience, frustration and time spent. There being no direct evidence of financial loss, the Tribunal considers that a sum of £250.00 is reasonable in all the circumstances;*
- (ii) refund all erroneous charges issued to the Homeowner, and to all other homeowners in Waterfront Avenue, insofar as they relate to*

roof repairs/cleaning to the townhouse roofs in Upper Strand Walk.

And must do so all within 14 days of the date of the Order and provide evidence to the Tribunal that it has done so.”

This intimation of the Tribunal’s Decision and this Notice to make a Property Factor Enforcement Order to the parties should be taken as notice for the purposes of section 19(2)(a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber’s office by no later than 14 days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale then the Tribunal is likely to proceed to make a Property Factor Enforcement Order (PFEO) without seeking further representations from the parties.

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

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.



Legal Member/Chairperson

2 September 2024