

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Certificate of Compliance following upon a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under section 17(1) of the Property Factors (Scotland) Act 2011**

**Chamber Ref: FTS/HPC/PF/23/0621**

**Re: 10/2 Gayfield Street, Edinburgh, EH1 3NR (“the Property”)**

**Parties:**

**Mrs Sarah Pritt, 53/1 East Claremont Street, Edinburgh, EH7 4HU (“the Homeowner”)**

**Charles White Ltd., 65 Haymarket Terrace, Edinburgh, EH12 5HD (“the Property Factor”)**

**Tribunal Members**

**Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)**

**Decision of the Tribunal**

The Tribunal having determined that the Property Factor Enforcement Order (“PFEO”) relating to the Property dated 12<sup>th</sup> June 2024 has been complied with, hereby certifies that the Property Factor has complied with the PFEO.

**Reasons for Decision**

1. By decision dated 22<sup>nd</sup> May 2024, the Tribunal determined that the Property Factor had failed to comply with paragraphs 2.1 and 4.1 of the 2021 Property Factor Code of Conduct (“the Code”).
2. The Tribunal issued a proposed PFEO dated 22<sup>nd</sup> May 2024 on 23<sup>rd</sup> May 2024 in the following terms, giving parties an opportunity to make representations:

“The Property Factor is required to

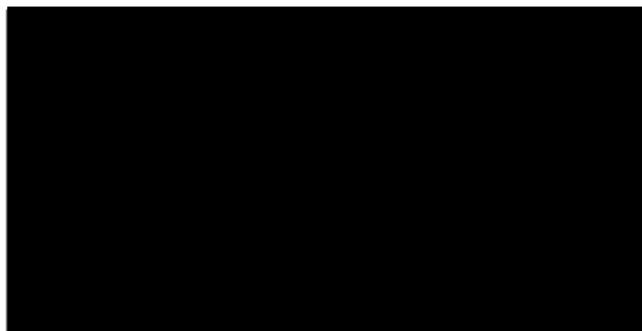
- (i) Remove all late payment charges occurring from 18<sup>th</sup> February 2021 to date from the Homeowner’s account.
- (ii) Pay to the Homeowner within 14 days of intimation to them of the PFEO the sum of £200 from their own funds to compensate the

Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor's failure to comply with the Code of Conduct for Property Factors."

3. Neither party made representations under section 19(2)(b) of the Act.
4. On 14<sup>th</sup> June 2024, the Tribunal issued a PFEO in the proposed terms dated 12<sup>th</sup> June 2024.
5. By email dated 18<sup>th</sup> June 2024, the Property Factor confirmed that the PFEO had been complied with.
6. The Tribunal is satisfied that the PFEO has been complied with by the Property Factor. The decision is unanimous.

### **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.**



Legal Member

11<sup>th</sup> July 2024