



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/18/3190

Flat 8, 112 Hillpark Grove, Edinburgh, EH4 7EF ('the Property')

The Parties:

Michael Sturgeon residing at flat 8, 112 Hillpark Grove, Edinburgh, EH4 7EF ('The Homeowner')

Charles White Limited, City Point, 65 Haymarket Terrace, Edinburgh, EH12 5HD ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Carol Jones (Ordinary Member).

NOTICE TO THE PARTIES

Whereas in terms of their decision dated 7th March 2019, the Tribunal decided that the Factor had failed to comply with section 2.5 of the Code of Conduct, all as stated in the said decision, the Tribunal proposes to make a Property Factor Enforcement Order in the following terms:

- '1. Charles White Limited are directed to pay the Homeowner £250 as compensation from their own funds and at no cost to the owners. The said sum to be paid by 30th April 2019.*
- 2. Charles White Limited are directed to provide the Tribunal with evidence that the said sum has been paid within seven days of the payment being remitted to the Homeowner.*
- 3. Charles White Limited will give consideration as to how their office systems and procedures can be improved to ensure that section 2.5 of the Code of Conduct and Section 4 of their Written Statement of Services is routinely complied with and provide the Tribunal with a report on the resultant action plan to improve their systems, steps that they will take to implement the required changes and monitor ongoing compliance, all by 30th April 2019.'*

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.

Appeals

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.

Signed

Chairperson Date: 7th March 2019

Jacqueline Taylor