

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Compliance with the Property Factor Enforcement Order (“PFEO”) dated 24 November 2024

Chamber Ref: HPC/PF/23/3962

Flat 5, 4 McEwan Square, Edinburgh, EH3 8EL (“the Property”)

Bill Welsh, Helen Welsh, Flat 5, 4 McEwan Square, Edinburgh, EH3 8EL (“The Applicants”)

Wheatley Homes East, Wheatley House, 25 Cochrane Steet, Glasgow (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 24 November 2024 relating to the property has been complied with, certifies that the Respondent has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 24 November 2024, it made a PFEO in the following terms:

- (1) The Tribunal order the Respondent to repay to the Applicants 50% of the management fees paid by them for the period 1 January 2021 to 31 December 2023 or cancel the management fees for any part of this period that have not already been paid,
- (2) The Tribunal order the Respondent to pay to the Applicants the sum of £1000 for their time, effort, and inconvenience,

(3) The Tribunal order the Respondent to issue a letter of apology to the Applicants and to remove from their factoring account the historic repair charges which were removed from the factoring account of Mr Howard Carter.

All within 28 days of intimation of the PFEO.

On 26 December 2024, the Applicants notified the Tribunal that Respondent had complied with the PFEO. The Respondent did not provide a response to a request from the Tribunal regarding compliance with the order.

Based on the response from the Applicants, the Tribunal is satisfied that the Respondent has complied with the PFEO and that a certificate to that effect should be issued.

The Tribunal determines that the Respondent has complied with the PFEO.

Appeals

A homeowner or property factor aggrieved by a 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.

Josephine Bonnar, Legal Member

17 January 2025