



Housing and Property Chamber

First-tier Tribunal for Scotland

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

**Decision on Homeowner's Application: Property Factors (Scotland) Act 2011
Section 19(1)(b)**

The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017 ("the 2017 Regulations")

Chamber Ref: FTS/HPC/PF/20/1607

The Property: Flat 8, 112 Hillpark Grove, Edinburgh, EH4 7EF ("the Property")

The Parties:-

Mr Michael Sturgeon, residing Flat 8, 112 Hillpark Grove, Edinburgh, EH4 7EF ("the Applicant"); and

Charles White Limited, Citypoint, 65 Haymarket Terrace, Edinburgh, EH12 5HG ("the Respondent")

Tribunal Members:

Mr G. McWilliams (Legal Member)

Mr A. Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") has determined not to issue a Property Factor Enforcement Order ("PFEKO"). This Decision is unanimous.

Reasons for Decision

1. In the Tribunal's previous Decision, dated 1st December 2020, they determined that the Respondent had not complied with Sections 2.5 and 7.1 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors ("the Code"). The Tribunal provided the parties with a proposed PFEO when the previous Decision was issued to them. The proposed PFEO was in the following terms:

"The Respondent is to make a compensation payment to the Applicant, in the sum of £200.00, within 14 days of the date of issue of the PFEO".

2. The Respondent has contacted the Tribunal's office to confirm that they have made the payment, referred to in the proposed PFEO, to the Applicant. The Applicant has confirmed to the Tribunal's office that he has received that payment.
3. In the circumstances it is unnecessary to issue the PFEO and accordingly the Tribunal have determined not to issue any PFEO in respect of this Application.

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 within 30 days of the date the decision was sent to them.

G McWilliams

Legal Member

13th January 2021