

Housing and Property Chamber

First-tier Tribunal for Scotland



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.

Reference number: FTS/HPC/PF/23/3240

Re: Flat 9, Newton Gardens, 50 Newton Street, Greenock, PA16 8SQ (“the Property”)

The Parties:

Mr Alastair Walker, 26 Duncan Green, Livingston, EH54 8PR, Trustee of the late Catherine McDonald Millan (“the Applicant”)

**Morison Walker Property Management Ltd, 23 Patrick Street, Greenock, PA16 8NB
 (“the Respondent” and ‘the Property Factor”)**

Tribunal Members:

**Martin J. McAllister, Solicitor, (Legal Member)
Ahsan Khan, (Ordinary Member)
(the “tribunal”)**

The tribunal determined that the Property Factor Enforcement Order dated 31 January 2025 has been complied with.

Background

1. Mr Walker submitted an application in respect of the Property in relation to the Respondent’s acting as a property factor. The application was in terms of Section 17 of the Property Factors (Scotland) Act 2011 (the 2011 Act).
2. The tribunal heard evidence at hearings held on 2 July and 18 November 2024.
3. The tribunal determined that the Respondent had failed to comply with the Code and, in terms of Section 19 (2), gave notice to the parties of a proposed property factor enforcement order (“PFEO”). The notice was sent to parties on 20 December 2024 and neither submitted any representations to the Tribunal.
4. On 31 January 2025, a PFEO was made which required the Respondent to pay the sum of £50 to the Applicant within 30 days of it being issued.

Reason for determination

5. On 24 February 2025, the Applicant confirmed that he had received the sum of £50.

Appeals

A homeowner or property factor 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.

Martin J. McAllister
Legal Member
5 March 2025

