

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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

**Decision in relation to Property Factors Enforcement Order (PFEО) under Section 19 of the Property Factors (Scotland) Act 2011 (Act)**

**Chamber Ref: FTS/HPC/PF/24/0058**

**Re: Property at 2 Moray Court, Rutherglen, South Lanarkshire, G73 1BF ("the Property")**

**Parties:**

**Mr Martin McDonald, 2 Moray Court, Rutherglen, South Lanarkshire, G73 1BF (Applicant)**

**Rutherglen and Cambuslang Housing Association, Aspire Business Centre, 16 Farneloe Road, Rutherglen, G73 1DL (Respondent)**

**Tribunal Member:**

**Melanie Barbour (Legal Member)  
Sandra Brydon (Ordinary Member)**

**Decision**

The First-Tier Tribunal for Scotland (Housing and Property Chamber) (Tribunal) having determined that the Property Factor has complied with the terms of the amended proposed Property Factors Enforcement Order (PFEО) dated 22 May 2025, hereby determined that it did not require to make a PFEО.

**Reasons for the Decision**

1. In the Tribunal's decision of 9 February 2025, which was amended on 22 May 2025, the First-tier Tribunal advised that it proposed to make the following Property Factor Enforcement Order ("PFEО") :

*Within a period of two months from the date of the PFEO the Factor must:*

- (1) Review the complaints handling procedure, update its terms in order that it conforms to the Property Factors Code of Conduct 2021 and submit a copy of the revised procedure to the Tribunal for its consideration.*
  - (2) The revised procedure shall contain full contact details for the First Tier Tribunal for Scotland (Housing and Property Chamber), in order that homeowners are aware of how they can make a complaint to the First Tier Tribunal for Scotland (Housing and Property Chamber).*
  - (3) From their own funds, pay the homeowner the sum of £100.00 as compensation.*
2. By email of 26 March 2025, the Property Factor wrote in the following terms “*I can confirm that Mr McDonald received a cheque payment, for £100, from us during early March 2025. I also attach a copy of our Complaints Handling Policy for Rutherglen & Cambuslang Housing Association, which has been duly reviewed/revised during March 2025 in line with the recommendations from the Tribunal members....*” A copy of the revised procedure was attached.
3. The tribunal considered the revised procedure and determined that further information should be included in it, providing full contact details of the First Tier Tribunal for Scotland (Housing and Property Chamber. It issued an amended proposed PFEO on 22 May 2025.
4. By email of 3 June 2025, the Property Factor wrote in the following terms “*I have carried out another review of the Association’s Complaints Handling Policy and also incorporated more details of how the Housing and Property Chamber can be contacted. ...*” A copy of the complaint handling procedure was attached to this email, and it had been further revised. The tribunal

considered its revised terms and determined that it now provides full contact details for the First Tier Tribunal for Scotland (Housing and Property Chamber), so that homeowners are aware of how they can make a complaint to the First Tier Tribunal for Scotland (Housing and Property Chamber).

5. There has been no response from the Homeowner about the proposed terms of the PFEO or the payment of compensation from the Property Factor.
6. As it appears that the Property Factor has complied with the terms of the PFEO before it was made; and as there was no response from the Homeowner to the proposed terms of the PFEO; we consider therefore that there is no reason to proceed to make a PFEO, as the proposed remedy has already been satisfied.

Melanie Barbour

Legal Member and Chair

2 July 2025

Date