

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFEО”): Property Factors (Scotland) Act 2011 Section 19(3)

Chamber Reference: FTS/HPC/PF/24/4464

Property address: 24 Forth House, Abbotshall Road, Kirkcaldy, KY1 1AN (“the Property”)

The Parties

Mr Gordon Hume, 24 Forth House, Abbotshall Road, Kirkcaldy, KY1 1AN (“the Homeowner”)

Ross and Liddell Ltd., Unit 21A, City Quay, Camperdown Street, Dundee, DD1 3JA (“the Property Factor”)

Tribunal Members

Ms H Forbes (Legal Member) and Ms E Williams (Ordinary Member)

Decision

The Tribunal has decided that it should make a PFEО in the terms originally proposed by it. The decision is unanimous.

Reasons for Decision

1. In the Tribunal's decision of 7th July 2025, it proposed to make a PFEО as follows:

“The Property Factor is required, within 30 days of the making of this Property Factor Enforcement Order, to make payment of the sum of £200.00 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor's failure to carry out its property factor duties.”

2. The Tribunal indicated that, prior to making a PFEО, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act. The decision was issued on 8th July 2025.

3. No representations were received under section 19(2)(b) of the Act.
4. The Tribunal has now confirmed its decision made in terms of Section 19(1)(a) of the Act. The Tribunal agrees that it would be appropriate to make a PFEO, notwithstanding that the Property Factor claims to have made payment to the Homeowner.

Property Factor Enforcement Order

5. The First-tier Tribunal hereby makes the following PFEO:

“

The Property Factor is required, within 30 days of the making of this Property Factor Enforcement Order, to make payment of the sum of £200.00 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor's failure to carry out its property factor duties.

6. Under section 24 (1) of the Act, a person who, without reasonable excuse, fails to comply with the Property Factory Enforcement Order commits an offence.

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

Legal Member and Chairperson
25th July 2025