

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

---



**Decision of the First-tier Tribunal for Scotland Housing and Property Chamber in relation to an application made under Section 17(1) of the Property Factors (Scotland) Act 2011**

**Chamber Ref: FTS/HPC/PF/24/2985 and FTS/HPC/PF/24/3612**

**Property: 39/30 Pilrig Heights, Edinburgh EH6 5FD (“the Property”)**

**The Parties:-**

**Mr Oscar Mesalles-Naranjo, C/ Narcis Monturiol 204, 3R 2A, Vilasar de Mar 08340, Spain (“the homeowner”)**

**James Gibb Residential Factors, a trading name of James Gibb Property Management Limited, incorporated in Scotland (SC299465) and having their registered office at 3<sup>rd</sup> Floor, Red Tree Magenta, 270 Glasgow Road, Rutherglen, Glasgow G73 1UZ (“the property factors”)**

**Tribunal Members: George Clark (Legal Member/Chairman) and Elizabeth Williams (Ordinary Member)**

### **Decision**

**The First-tier Tribunal for Scotland Housing and Property Chamber determined that the property factors have complied with a proposed Property Factor Enforcement Order and that it is, therefore, unnecessary to issue the Order.**

### **Reasons for Decision**

1. On 30 January 2025, the Tribunal intimated to the property factors that it proposed to make a Property Factor Enforcement Order in terms of a Notice made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 attached to its Decision issued on that day.
2. The Section 19(2)(a) Notice provided:

**“Within one month of the communication to the property factors of the PFEO, the property factors shall credit to the individual factoring accounts of the**

**owners of the development of which the Property forms part the shares charged to them of the cost of legal advice obtained by the property factors and included in Invoices to owners dated 27 May 2024, the total amount being £1,170 plus VAT.”**

3. The property factors subsequently provided evidence to the Tribunal that the sums incorrectly charged to the owners had been inclusive, not exclusive of VAT and on 30 May 2025, they advised the Tribunal that the required refunds were included in common charges Invoices due to be issued the following week. They then provided the Tribunal with a copy of the Invoice, dated 30 May 2025. It included refunds of two invoices from BTO solicitors, for £570 and £600.
4. The Tribunal was satisfied with the documentation provided by the property factors and decided that it was no longer necessary to make a Property Factor Enforcement Order against them.
5. The Tribunal's Decision was unanimous.

### **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.**



George Clark

---

**Legal Member**

**25 July 2025**  
**Date**