

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 17 (1) of the Property Factors (Scotland) Act 2011 ("The Act")

Reference number: FTS/HPC/PF/23/3717

Re: Property at 1 Crescent Grove, Scotstounhill, Glasgow, G13 3RE ("the Property")

The Parties:

Mr Calum McLenachan, 1 Crescent Grove, Scotstounhill, Glasgow, G13 3RE ("the Applicant")

Homesbook Factoring Ltd, 111 Cowgate, Kirkintilloch, Glasgow, G66 1JD ("the Respondent")

Tribunal Members:

Legal Member: Mr Andrew McLaughlin

Ordinary Member: Ms Sandra Brydon

Background

[1] The Tribunal, having considered the representations made by both the Applicant and the Respondent on the terms of the draft Property Factor Enforcement Order proposed in its decision dated 2 May 2025, makes a Property Factor Enforcement Order in the following terms:

1. The Respondent must provide the Applicant with a detailed breakdown of all ground maintenance works carried out and invoiced for the period from February 2021 and October 2022. This must explain the precise dates and times specific tasks were carried out and how the charges invoiced to residents were calculated.
2. The Respondent must provide the Applicant with a detailed breakdown of all sums collected as a "*regeneration fund*" and provide precise details of exactly how this money was spent.

3. The Respondent must provide a reflective account of how it has improved its practices in light of the findings in the decision.
4. The Respondent must make payment to the Applicant of the sum of £150.00 as a monetary payment to compensate the Applicant for the inconvenience caused by the Respondent's failure to comply with paragraphs 3.1, 3.2 and 3.4 of the Code.
5. With the above all being carried out within 30 days of the date of this decision.

Reasons for Decision

[2] In terms of its decision dated 2 May 2025, the Tribunal proposed to make a Property Factor Enforcement Order ("PFEO"). As is provided for by the relevant legislation, any proposed PFEO can only be determined by giving notice of its proposed terms to the property factor concerned and by allowing both parties an opportunity to make representations.

[3] Both parties have submitted written representations.

[4] The Applicant advised in his email of 19 May 2025 that he would be grateful if the Tribunal could consider the possibility of awarding compensation in light of the stress, time and inconvenience suffered by the Applicant and his wife.

[5] The Respondent's Mr Craig Rodger sent an email dated 29 May 2025 which makes representations which go more towards answering the points contained within the PFEO rather than commenting on the terms of the order in the first place. Mr Rodger does however state that:

"With regards to "must explain the precise dates and times specific tasks were carried out" I'm afraid I am at a loss as how to respond to this. I consulted R.A.M and originally, they thought I was joking. They explained to record individual tasks carried out at the many developments they look after would be impossible"

[6] The Tribunal notes that part of the Applicant's concern was that maintenance was not carried out and the Respondent was not in a position to demonstrate what maintenance had been carried out and invoiced between February 2021 and October 2022. The Tribunal agreed and found the Respondent in breach of the Code. The Tribunal maintains its view that the idea that the Respondent cannot provide any evidence of what ground works were carried out and invoiced between February 2021

and October 2022 is not reasonable. The Tribunal sees no reason to depart from the relevant terms of the order to be made.

[7] The Tribunal does accept that the Applicant has been caused unnecessary, stress and inconvenience by the Respondent's breaches of the Code. Accordingly, the Tribunal will now order that £150.00 is also to be paid by the Respondent to the Applicant.

Right of Appeal

In terms of Section 46 of the Tribunal (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/Chair

27 August 2025
Date