

Housing and Property Chamber

First-tier Tribunal for Scotland



PROPERTY FACTOR ENFORCEMENT ORDER

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011**

Chamber Ref:FTS/HPC/PF/24/2727

Balgray Court, 33 Cleveden Drive, Glasgow, G12 0SD ('the Property')

Alastair Baird residing at Flat 5E, 33 Cleveden Drive, Glasgow, G12 0SD ('the Homeowner and Applicant')

Newton Property Management Limited, 87 Port Dundas Road, Glasgow, G4 0HF ('the Factor and Respondent')

Tribunal members:

Jacqui Taylor (Chairperson) and Ahsan Khan (Ordinary Member).

NOTICE TO THE PARTIES

1. The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the Code of Conduct for Property Factors, in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with OSP 11 and section 3.1 of the 2021 Code of Conduct, all as stated in their decision dated 30th August 2025.

2. The Tribunal intimated to the parties, in terms of their said decision dated 30th August 2025, that they proposed to make a Property Factor Enforcement Order('PFEO') requiring the Property Factor to pay the Homeowner the sum of £100. The parties were given notice that they should ensure that any written representations they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and the notice of the proposed PFEO was intimated to them.

3. The Homeowner sent the Tribunal a letter dated 13th November 2025 confirming that he had received £100 from the Factor.

4. The Property Factor sent the Tribunal an email dated 16th September 2025 requesting a review of the Tribunal's decision. The Tribunal issued a separate review decision. The Property Factor made no separate representations in relation to the proposed PFEO.

5. The Tribunal acknowledge that section 19(3) of the Property Factors (Scotland) Act 2011 provides that if the Tribunal is satisfied that the Factor has failed to comply with the Code of Conduct they must make a Property Factor Enforcement Order.

6. Consequently, the Tribunal make the following Property Factor Enforcement Order: *'The Factor must pay the homeowner £100 for the inconvenience he had suffered from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to the Factor of the Property Factor Enforcement Order.'*

7. The Tribunal acknowledge that the Factor has paid the sum of £100 to the Homeowner.

Failure to comply with a PFEO may have serious consequences and constitute an offence.

Appeals

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.

Jacqui Taylor

Signed

Chairperson Date: 22nd December 2025