



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

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

Chamber Ref: FTS/HPC/PF/24/3874

Re: Property at 37 Kings Gate, Aberdeen, AB15 4EL (“the Property”)

Parties:

Mr Michael Rennie, 37D King’s Gate, Aberdeen, AB15 4EL (“the Homeowner and Applicant”)

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

Tribunal Members:

Yvonne McKenna (Legal Member) and Robert Buchan (Ordinary/ Surveyor Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision of the same date.

The First-tier Tribunal proposes to make the following Property Factor Enforcement Order (“PFOE”):

(1) The Factor will reconsider and revise the Written Statement of Services ('WSS') and in particular Section B. The revised WSS will be sent to the owners on the development. A copy of the revised WSS shall be submitted to the Tribunal.

(2) Given that the WSS provides that the homeowners are collectively responsible for safety along with contractors (WSS Section B (d)), and singularly (WSS Section B (i));

The Factor must ensure that they take specialist advice regarding high risk activities, and how they can meet the responsibilities of the Factor and the homeowners in a sensible manner.

Amongst other things this specialist advice should address;-

- Providing to the Applicant and other homeowners on the site, safety related documents.

- Containing within the new online portal a dedicated safety section wherein all safety related documentation could be filed. This could include amongst other things Public Liability Insurance.

A copy of said specialist advice shall be submitted to the Tribunal and a copy provided to the Applicant.

The Factor has a time-period of 3 months in order to comply with this.

Section 19 of the 2011 Act provides as follows:

"(2) In any case where the First-tier Tribunal proposes to make a property factor enforcement order, it must before doing so—

(a) give notice of the proposal to the property factor, and

(b) allow the parties an opportunity to make representations to it.

(3) If the First-tier Tribunal is satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, the First-tier Tribunal must make a property factor enforcement order."

The intimation of the First-tier Tribunal's Decision and this proposed PFEO to the parties should be taken as notice for the purposes of section 19(2)(a) and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) reach the First-tier Tribunal by no later than 14 days after the date that the Decision and this proposed PFEO is sent to them by the First-tier Tribunal. If no representations are received within that timescale, then the First-tier Tribunal is likely to proceed to make a property factor enforcement order without seeking further representations from the parties.

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

Yvonne McKenna

Legal Member and Chair

16 December 2025

Date