

Housing and Property Chamber First-tier Tribunal for Scotland



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

**Certificate of Compliance with the Property Factor Enforcement Order
("PFEO") dated 5 December 2025**

Chamber Refs: FTS/HPC/PF/24/2108

Various properties, Dundee ("the Property")

The Parties:

H & H Properties (UK) Ltd, 71 Blackness Road, Dundee ("the Applicant")

James Gibb, Residential Factors, 27 Chapel Street, Aberdeen ("the Respondent")

Tribunal Members:

Josephine Bonnar (Legal Member) and Liz Williams (Ordinary Member)

Decision

The Tribunal, having determined that the PFEO dated 5 December 2025 relating to the property has been complied with, certifies that the Respondent has complied with the PFEO.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal's decision of 5 December 2025, it made a PFEO in the following terms:

- (1) The Tribunal orders the Respondent to pay the Applicant the sum of £1250 for their time, effort, and inconvenience. This is to be paid to the Applicant by cheque or bank transfer and not applied as a credit to an unpaid invoice or outstanding common charge account.
- (2) The Tribunal orders the Respondent to remove the migrated balances from the invoices previously issued to the Applicant which are still unpaid and to issue the amended invoices to the Applicant.

All within 28 days of intimation of the PFEO.

On 18 December 2025, the Respondent sent an email to the Tribunal which stated that they had complied with the PFEO. They said that a cheque for £1250 and amended invoices had been issued to the Applicant on 18 December 2025.

On 28 December 2025, the Applicant requested additional time to consider the invoices received from the Respondent, due to the festive period. The Tribunal confirmed that a response should be submitted by 20 January 2026.

On 20 January 2026, the Applicant lodged a submission which stated that the Respondent had complied with the terms of the PFEO and had also discharged the NOPLs. However, the Applicant stated that the Tribunal should not issue a certificate of compliance with the PFEO because of certain unresolved matters. The Applicant advised that the Respondent had issued new invoices in relation to one of the developments. These invoices had only been issued to 60 of the 91 properties and purported to distribute the debt owed by the other 31 homeowners among the 61 who had paid. The Applicant said that this was unlawful, and that the certificate of compliance should not be issued. The Applicant submitted a bundle of documents with the submission which included copies of invoices and correspondence between the parties in relation to payment of the compensation specified in the PFEO, payment of the amended invoices and discharge of the NOPLs. It also included correspondence about the new invoices and development debt.

The Tribunal notes that both parties have confirmed that both parts of the PFEO issued by the Tribunal have been met. The compensation has been paid, and the amended invoices have been issued. These invoices have also been paid and the NOPLs which were preventing the sale of properties have been discharged, although this was not part of the order.

The new invoices are not part of the application or the PFEO. They relate to a new complaint which did not exist when the previous application was lodged, or at the hearing. The Tribunal notes the Applicants' concerns. As the Applicant is of the view that these invoices are unlawful, they could refuse to pay the invoices and put forward a defense, if court action is taken. They could also consider making a new application to the Tribunal. However, the invoices are not relevant to the present application or compliance with the PFEO.

The Tribunal determines that the Respondent has complied with the PFEO.

Appeals

A homeowner or property factor aggrieved by a 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.

Josephine Bonnar, Legal Member

8 February 2026