



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

PROPERTY FACTOR ENFORCEMENT ORDER

Chamber Reference number: FTS/HPC/PF/24/3938

Property at Flat 4, 28 Ayr Street, Springburn, Glasgow, G21 4DG (“the Property”)

The Parties:

Mrs Cheryl Callaghan as executor of Carole Weinstein, 17G Newabbey Road, Gartcosh, Glasgow, G69 8DN (“the Homeowner and Applicant”)

James Gibb Property Management Ltd, Red Tree Magenta (3rd Floor), 270 Glasgow Road, Rutherglen, G73 1UZ (“the Factor and Respondent”)

Tribunal Members: Ruth O’Hare, Legal Member, 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 Act”) determined that the Factor had failed to comply with sections 2.7, 6.1 and 6.4 of the Code, all as stated in their decision dated 17 November 2025.
- 2 The Tribunal intimated to the parties, in terms of their said decision dated 17 November 2025, that they proposed to make a Property Factor Enforcement Order (“PFEO”) requiring the Property Factor to pay the Homeowner the sum of £750. 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 Decision and notice of the proposed PFEO was intimated to the parties on 19 November 2025. The deadline for written representations was therefore 3 December 2025.
- 4 On 4 December 2025 the Tribunal received a request from the Factor for an extension to the period for written representations on the basis that the writer had only become aware of the decision taken by the Tribunal.
- 5 On 9 December 2025 the Homeowner emailed the Tribunal advising that she

had contacted the Factor regarding the proposed PFEO on 28 November 2025 and received no reply. The Homeowner sent a further email on 3 December 2025 to the Factor which was acknowledged.

- 6 On 29 December 2025 the Tribunal wrote to the parties refusing the extension request on the basis as the Factor had failed to demonstrate good cause. The Tribunal noted that the decision had been intimated to the Factor on 19 November 2025 and no reasonable explanation had been provided for the delay in response.
- 7 The Tribunal is therefore satisfied that it has given both parties the opportunity to make written representations in relation to the proposed PFEO.
- 8 Consequently the Tribunal makes the following Property Factor Enforcement Order:-

“The Respondent and Factor must pay the Applicant and Homeowner the sum of £750 for the inconvenience she had suffered from their own funds, and at no cost to the owners. The said sums to be paid within 28 days of this communication to the Respondent of the Property Factor Enforcement Order.”

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.

16 January 2026

Chairperson

Date