



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/24/4314

Kennedy Gardens, Kilwinning, KA13 7BF ('the Property')

Gary Crombie ('the Homeowner and Applicant')

Newton Property Management Ltd ('the Factor and Respondent')

Tribunal members:

Jacqui Taylor (Chairperson) and Donald Wooley (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 section OSP2 the 2021 Code of Conduct, all as stated in their decision dated 10th December 2025.

2. The Tribunal intimated to the parties, in terms of their said decision dated 10th December 2025, that they proposed to make a Property Factor Enforcement Order requiring the Property Factor to pay the Homeowner the sum of £350. 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 Property Factor Enforcement Order was intimated to them.

3. The Factor sent the Tribunal an email dated 18th December 2025 which asked the Tribunal to review the Tribunal's decision dated 10th December 2025. The Homeowner provided a response to that application dated 23rd December 2025. The

Tribunal refused the application for review in terms of their decision dated 29th December 2025.

4. The parties did not provide any written representation in relation to the proposed PFEO.

5. Section 19(3) of the Property Factors (Scotland) Act 2011 requires the Tribunal to make a PFEO where they have determined that the Factor has failed to carry out Property Factor duties or comply with the Code of Conduct.

Consequently, the Tribunal make the following Property Factor Enforcement Order:

The Factor must pay the homeowner £350 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.

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.

Signed

Chairperson Date: 12th February 2026