

# Housing and Property Chamber First-tier Tribunal for Scotland



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

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

**4 Nether Liberton Court, Edinburgh, EH16 5UN**

**Henry Downie, 4 Nether Liberton Court, Edinburgh, EH16 5UN (“the Applicant”)**

**Charles White Ltd, 14 New Mart Road, Edinburgh, EH14 1RL (“the Respondent”)  
Tribunal Members:**

**Josephine Bonnar (Legal Member) and Mary Lyden (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal’s Decision of 5 March 2025.

## **Decision**

The Tribunal determines that it should make a PFEO in the terms originally proposed by it.

The decision of the Tribunal is unanimous.

## **Reasons for decision**

In the Tribunal’s decision of 5 March 2025, it proposed to make a PFEO in the following terms: -

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- (1) The Tribunal order the Respondent to issue a letter of apology to the Applicant for their failure to carry out their property factor duties to a reasonable standard, and
- (2) The Tribunal order the Respondent to pay to the Applicant the sum of £150 for his time, effort, and inconvenience,

All within 28 days of intimation of the PFEO.”

The Tribunal indicated that prior to making a PFEO, it would provide the parties with the opportunity to make representations under section 19(2)(b) of the Act.

The Respondent requested a review of the decision. The Applicant stated that he was happy with the Tribunal's decision and was of the view that it did not require to be reviewed.

Following a hearing on the review request, the Tribunal determined that the request should be refused. A written decision with statement of reasons was issued and both parties were given a further opportunity to make representations regarding the PFEO. However, no further submissions were received.

The Tribunal is satisfied that the Respondent failed to comply with its duties under section 14(5) of the Property Factors (Scotland) Act 2011 Act in that it did not carry out its property factor duties to a reasonable standard.

**Section 19(3) of the 2011 Act states that if the Tribunal is satisfied that the Property Factor has failed to carry out its duties and/or comply with its section 14 duty, the Tribunal “must” make a PFEO.**

The Tribunal is therefore satisfied that a PFEO should be issued in the terms originally proposed

### **Property Factor Enforcement Order**

The First-tier Tribunal hereby makes the following PFEO:

- (1) The Tribunal order the Respondent to issue a letter of apology to the Applicant for their failure to carry out their property factor duties to a reasonable standard, and
- (2) The Tribunal order the Respondent to pay to the Applicant the sum of £150 for his time, effort, and inconvenience,

All within 28 days of intimation of the PFEO.

**Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.**

### **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  
19 December 2025