

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

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**Decision**

**Sections 17 and 19 (3) of the Property Factors (Scotland) Act 2011 (“the Act”) and the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors.**

**Reference numbers: FTS/HPC/PF/24/5709 and FTS/HPC/LM/25/0488**

**Re: 11/3 King’s Meadow, Edinburgh EH16 5JP and King’s Riding Estate, off Peffermill Road, Edinburgh, EH16 5JP (“the Property”)**

**The Parties:**

**Ms Emma Wynn and Ms Megan Wynn, 11/3 King’s Meadow, Edinburgh EH16 5JP (“the Applicants”)**

**James Gibb Property Management Ltd, Red Tree Magenta, 270 Glasgow Road, Glasgow G73 1UZ (“the Respondent”)**

**Tribunal Members:**

**Martin J. McAllister, Solicitor, (Legal Member)**

**Andrew McFarlane, Chartered Surveyor, (Ordinary Member)  
(the “tribunal”)**

**Decision**

**I) The Respondent has breached the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors 2021 and has failed to comply with the property factor’s duties.**

**II) The tribunal makes a property factor enforcement order (“PFEO”) requiring the Respondent to**

**(a) pay the sum of ONE THOUSAND THREE HUNDRED POUNDS (£1300) to the Applicants by way of payment to them rather than crediting to their factoring account,**

**(b) provide copies of all electricity invoices on a list prepared by the Applicants and submitted to the Respondent within fifteen days of service of this decision and the PFEO.**

**(c) relieve the Applicants of any liability for payment of the replacement lock of the services cupboard door.**

- (d) relieve the Applicants of any liability for the insurance excess referred to in the applications.**
- (e) provide copies of all invoices for ground maintenance for the period 2023/2024 and for 2024/2025 but only up to 3 February 2025.**

**The PFEO requires to be complied with within fifty six days of service of the decision and PFEO on the Respondent.**

## **Background**

1. These are applications by the Applicants in respect of the Property in relation to the Respondent's acting as a property factor. The applications are in terms of Section 17 of the Property Factors (Scotland) Act 2011 (the 2011 Act).
2. There are two applications: one relating to the residential unit at 11/3 King's Meadow, Edinburgh (FTS/HPC/PF/24/5709) and the other relating to the common areas of the development in which the residential unit is situated (FTS/HPC/LM/25/0488).
3. This decision should be read along with the decision dated 9 December 2025, which followed a hearing of evidence and submissions made by both parties.

## **Decision 9 December 2025**

4. Following upon a hearing held on 21 October 2025, it was determined that the Respondents had breached the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors 2021 and had failed to comply with the property factor's duties.
5. In accordance with Section 19 (2) of the Act, a proposed PFEO was intimated to parties at the same time as the decision and they were invited to make representations.
6. Each party submitted written representations which were considered by the tribunal.

## **Determination**

7. The tribunal determined that it was appropriate to make a PFEO.
8. It was clear from the representations that some aspects of the proposed PFEO may have been complied with, or at least progress made towards compliance. The tribunal considered that it was not appropriate to comment on this and whether there had been compliance. That was a matter to be determined after the PFEO had been made and the time for compliance had expired.
9. The tribunal did, however, have regard to some representations which had been made.

10. The tribunal considered that the sum which the Respondents were required to pay to the Applicants should be a payment made direct to them, and not to be credited to the Respondents' factoring account.
11. In representations made by the Applicants, they stated that they considered a Finding in Fact in relation to ground maintenance invoices to be inaccurate. In the Finding in Fact at paragraph 34, it states that the Respondents delayed in providing copies of invoices. The tribunal reviewed the evidence and considered that this Finding in Fact should more accurately state that the Respondents had failed to provide copies of the ground maintenance invoices and that, in this regard had breached paragraphs 2.4 and 3.1 of the Code. The tribunal determined that it should amend the PFEO to oblige the Respondents to provide copies of the ground maintenance invoices for 2023/2024 and 2024/2025, but only up to 3 February 2025, being the date of the later of the applications.
12. The Applicants made representations on the level of delegated authority. The tribunal made no further finding as a consequence of the representations, since the matter is dealt with in the Burdens Section (at page 14) of the Title Sheet (particularly the tenth provision).
13. In terms of Section 19(3) of the 2011 Act,

*"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."*

A document containing the property factor enforcement order is issued of even date with this Decision.

## **Appeals**

**A homeowner or property factor 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.**

**Martin J. McAllister  
Legal Member  
24 February 2026**

