



**Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”)**

**Reference number: FTS/HPC/PF/25/1261**

**Re: Property at common land at Bucklerburn Development, Peterculter, Aberdeen (“the Property”)**

**The Parties:**

**Mr James Keith Robertson, Rubislaw, Newtonmore Road, Kingussie, Highland, PH21 1HD (“the Applicant”)**

**Newton Property Management limited, 87 Port Dundas Road, Glasgow, G4 0HF (“the Respondent”)**

**Tribunal Members: Ruth O’Hare, Legal Member and Ahsan Khan, Ordinary Member**

**NOTICE TO THE PARTIES**

This document should be read in conjunction with the First-tier Tribunal’s decision of the same date.

The First-tier Tribunal proposes to make the following Property Factor Enforcement Order (“PFEO”):

- “(1) In respect of the failures to carry out its property factor duties, its breaches of the Code, and the inconvenience caused to the Applicant, the Respondent must pay to the Applicant the sum of £100 from its own funds into the Applicant's bank account within 28 days of intimation of the final PFEO.
- (2) That the Respondent issues adjusted invoices to the Applicant for the year 2025 that align with the budget approved by the Owners Association on 28 November 2024.
- (3) That the Respondent cancels the charge for the £100 float.
- (4) That the Respondent provides the Applicant with copies of the invoices debited to the estate account.

Section 19 of the 2011 Act provides as follows:

"(2) In any case where the First-tier Tribunal proposes to make a property factor enforcement order, it must before doing so— (a)give notice of the proposal to the property factor, and (b)allow the parties an opportunity to make representations to it.

(3) 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."

The intimation of the First-tier Tribunal's Decision and this proposed PFEO to the parties should be taken as notice for the purposes of section 19(2)(a) and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) reach the First-tier Tribunal by no later than 14 days after the date that the Decision and this proposed PFEO is sent to them by the First-tier Tribunal. If no representations are received within that timescale, then the First-tier Tribunal is likely to proceed to make a property factor enforcement order without seeking further representations from the parties.

Failure to comply with a PFEO may have serious consequences and constitute an offence.

Ruth O'Hare

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Legal Member/Chair

7 April 2026

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Date