



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

**Certificate of Compliance following upon a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under section 17(2) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”)**

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

**Re: 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 Applicant”)**

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

**Tribunal Members**

Ruth O’Hare, Legal Member, and Ahsan Khan, Ordinary Member.

**Decision**

The Tribunal, having determined that the Property Factor Enforcement Order dated 16 January 2026 has been complied with, hereby certifies that the Respondent has complied with the PFEO.

**Reasons for decision**

1. By decision dated 17 November 2025, the Tribunal determined that the Respondent had failed to comply with sections 2.7, 6.1 and 6.4 of the Code of Conduct for Property Factors. The Tribunal intimated to the parties, in terms of their said decision, that it proposed to make a Property Factor Enforcement Order (“PFEO”) requiring the Property Factor to pay the Applicant the sum of £750.
2. As required by the 2011 Act, after giving the parties the opportunity to make representations on the terms of the proposed PFEO, the Tribunal issued a PFEO in the following terms: -

*“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.”*

3. On 28 January 2026 the Tribunal received written representations from the parties advising that the Respondent had paid the Applicant the sum of £77.63 after applying the balance of the £750 payment to outstanding factoring charges. The Tribunal subsequently sought further representations from the parties as to whether they considered the Respondent’s actions to constitute compliance with the PFEO. The Applicant responded stating that she did not believe the Respondent had complied with the PFEO. The Respondent responded requesting a Direction from the Tribunal allowing the Respondent to apply the £750 payment to the outstanding factoring charges to prevent the need for further action against the Applicant. On 20 April 2026 the Tribunal wrote to the parties advising that it could not accede to the Respondent’s request as it did not have jurisdiction to adjudicate on liability for factoring charges. The Tribunal explained that if it were to accept the Respondent’s actions as constituting compliance with the PFEO it would be determining that the charges were due.
4. On 24 April 2026 the Tribunal received an email from the Applicant confirming that the Respondent had paid her the remaining balance of £672.37. The Tribunal is therefore satisfied that the PFEO has now been complied with by the Respondent.
5. The decision of the Tribunal was unanimous.

### **Right of appeal**

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.

Ruth O’Hare  
Chairperson of the tribunal  
Dated: 27 April 2026