

Housing and Property Chamber

First-tier Tribunal for Scotland



Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 (“the Act”) following upon a Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland in an application under Section 17(1) of the Act

Chamber Ref: FTS/HPC/PF/25/2434 & FTS/HPC/PF/25/3483

10C Botanic Crescent, Glasgow, G20 8QQ

(“the Property”)

The Parties:-

Mr Feargal Brennan, 10C Botanic Crescent, Glasgow, G20 8QQ

(“the applicant”)

Newton Property Management Ltd, Registered Office, 87 Port Dundas, Road, Glasgow, G4 0HF

(“the respondent”)

Tribunal Members:

Iain MacRae (Legal Member)

Sara Hesp (Ordinary Member)

This document should be read in conjunction with the Tribunal’s Decision under Section 19(1)(a) of the Act of the same date.

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

Within one month of the communication of the PFEO, to respondent, they shall:-

1. Write to the owners of the flats and mews advising them
 - a. that their letter to them of 18 October 2021 was wrong;
 - b. that only the owners of the flats are required to contribute towards the common block insurance which insures against risks to the flats and tenement common parts which only the flat owners are liable for;

- c. The mews and flat owners may separately be liable to pay for any insurance policy taken out in respect of the Mews Common Parts.
2. Refund to the applicant any payments he has made to towards the common insurance policy effected by the respondent;
3. Remove from the applicant's account with them all charges relating to common insurance policy effected by the respondent; and
4. Pay to the applicant the sum of £250 by way of compensation for their failure to comply with Section 5.2 of the 2012 Property Factor Code of Conduct effective from 1 October 2012 and then 5.3 of the 2021 Property Factor Code of Conduct effective from 16 August 2021.

Section 19 of the Act provides as follows:

“... (2) In any case where the tribunal proposes to make a property factor enforcement order, they 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 them. (3) If the tribunal are 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 committee must make a property factor enforcement order...”

The intimation of the Tribunal's Decision and this notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the Tribunal's office by no later than 14 days after the date that the Decision and this notice is intimated to them.

If no representations are received within that timescale, then the Tribunal is likely to proceed to make a property factor enforcement order (“PFEO”) without seeking further representations from the parties.

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence

Iain MacRae

_____ Legal Member and Chair

17 April 2026