

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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”)**

**Chamber Ref: FTS/HPC/PF/24/3874**

**Re: Property at 37 Kings Gate, Aberdeen, AB15 4EL (“the Property”)**

**Parties:**

**Mr Michael Rennie, 37D King’s Gate, Aberdeen, AB15 4EL (“the Homeowner and Applicant”)**

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

**Tribunal Members:**

**Yvonne McKenna (Legal Member) and Robert Buchan (Ordinary/ Surveyor Member )**

**Decision**

**The Tribunal, having determined that the Property Factor Enforcement Order dated 9 March 2026 has been complied with hereby certifies that the Property Factor has complied with the Property Factor Enforcement Order (“ PFEO”).**

1. By decision dated 16 December 2025, the Tribunal determined that the Respondent had failed to comply with the Section 14 duty in terms of the 2011 Act in respect of compliance with paragraphs OSP2, OSP3, OSP4, OSP6,OSP11 and sections 1.1, 2.1, 2.3, 2.4, 2.7,6.4, 6.6 and 6.9, of the 2021 Property Factor Code of Conduct (“the Code”) as required by section 14(5) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”).
2. The Tribunal intimated to the parties, in terms of their said decision, that it proposed to make a Property Factor Enforcement Order (“PFEO”).

3. 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 First-tier Tribunal hereby makes the following PFEO:*

- (1) The Factor will reconsider and revise the Written Statement of Services ('WSS') and in particular Section B. The revised WSS will be sent to the owners on the development. A copy of the revised WSS shall be submitted to the Tribunal.*

*All within 28 days of intimation of the PFEO'.*

4. The PFEO dated 9 March 2026, was issued to parties on 2 April 2026. The decision of the Tribunal in relation to the PFEO dated 9 March 2026 was issued to parties on 14 April 2026. The Applicant did not make any representations. The Respondent forwarded to the Tribunal on 16 April 2026, an amended WSS. On 20 April 2026 the Respondent provided confirmation that the amended WSS had been issued to the Applicant and all the other homeowners on the development.
5. The Tribunal have considered the terms of the PFEO and the amended WSS and are of the view that the PFEO has been complied with.
6. The decision is unanimous

## **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.**

Yvonne McKenna

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1 June 2026

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Legal Member and Chair

Date