

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Proposed Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(2)

Reference number: FTS/HPC/LM/24/3018

Re: Property at Balgello Heights Development, Linlathen Road, Broughty Ferry, Dundee, DD5 3GL (“the Property”)

The Parties:

Mr Ross Hunter, 7 Ben Attow Lane, Broughty Ferry, Dundee, DD5 3FS (“the Applicant”)

James Gibb Residential Factors, Suite 1B, 26-28 Merchant Exchange, Exchange Street, Aberdeen, AB11 6PH (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)

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”):

The Respondent is to take the following action:

- 1. The Respondent should write to the Applicant and apologise for breaching their obligations under the Code.**
- 2. The Respondent should make a monetary payment of £500.00 to the Applicant as compensation for his monetary losses and inconvenience. The payment should be by way of a direct payment to the Applicant rather than by way of a credit to the Applicant's account.**
- 3. The Respondent should also provide the Applicant with the information he is looking for- information about how changes to the land and ground maintenance costs were calculated and up-to-date copies of contracts with grounds maintenance contractors showing the ongoing liability for costs and services provided.**

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 has serious consequences and may constitute an offence.

_____ Legal Member and Chair

11 May 2026