

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(3)

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)

This document should be read in conjunction with the First-tier Tribunal’s Decision of 9 March 2026.

Decision

The Tribunal has decided that it should make a PFEO in amended terms.

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal’s decision of 16 December 2025, it proposed to make a PFEO as follows:

(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.

(2) Given that the WSS provides that the homeowners are collectively responsible for safety along with contractors (WSS Section B (d)), and singularly (WSS Section B (i)). The Factor must ensure that they take specialist advice regarding high risk activities, and how they can meet the responsibilities of the Factor and the homeowners in a sensible manner.

Amongst other things this specialist advice should address; -

- Providing to the Applicant and other homeowners on the site, safety related documents.

- Containing within the new online portal a dedicated safety section wherein all safety related documentation could be filed. This could include amongst other things Public Liability Insurance.

A copy of said specialist advice shall be submitted to the Tribunal and a copy provided to the Applicant.

The Tribunal indicated that prior to making a PFEO, it would provide the parties with the opportunity to make representations under section 19(2)(b) of the Act. Reference is made to the decision with statement of reasons dated 9 March 2026.

Property Factor Enforcement Order

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.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

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 _____ Legal Member and Chair

___9 March 2026 _____ Date

