

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision and Certificate of Compliance following upon a Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under Section 17(1) of the Property Factors (Scotland) Act 2011.

Reference numbers: FTS/HPC/PF/24/5709 and FTS/HPC/LM/25/0488

Re: 11/3 King's Meadow, Edinburgh EH16 5JP and King's Riding Estate, off Peffermill Road, Edinburgh, EH16 5JP ("the Property")

The Parties:

Ms Emma Wynn and Ms Megan Wynn, 11/3 King's Meadow, Edinburgh EH16 5JP ("the Applicants")

James Gibb Property Management Ltd, Red Tree Magenta, 270 Glasgow Road, Glasgow G73 1UZ ("the Respondent")

Tribunal Members:

Martin J. McAllister, Solicitor, (Legal Member)

Andrew McFarlane, Chartered Surveyor, (Ordinary Member)
(the "tribunal")

Decision

The Tribunal determines that the Property Factor Enforcement Order dated 24 February 2026 has been complied with.

Terms of the Property Factor Enforcement Order (PFEO):

The Property Factor was required to

- (a) pay the sum of ONE THOUSAND THREE HUNDRED POUNDS (£1300) to the Applicant by way of payment to them rather than crediting to their factoring account,
- (b) provide copies of all electricity invoices on a list prepared by the Applicants and submitted to the Respondent within fifteen days of service of this decision and the PFEO,
- (c) relieve the Applicants of any liability for payment of the replacement lock of the services cupboard door,
- (d) relieve the Applicants of any liability for the insurance excess referred to in the applications and
- (e) provide copies of all invoices for ground maintenance for the period 2023/2024 and for 2024/2025, but only up to 3 February 2025.

The PFEO required to be complied with within fifty six days of service of the decision and PFEO on the Respondent.

Reasons for Decision

1. The PFEO was issued to parties.
2. The Applicants and the Respondent were invited to make representation on whether the PFEO had been complied with.
3. The Applicants made representations on 21 March and 2 and 28 April 2026.
4. The Respondent made representations on 9 and 11 March 2026.
5. Referring to items (a), (c), (d) and (e) of the PFEO, the tribunal determined that there was satisfactory evidence that they had been complied with.
6. Item (b) of the PFEO required the Respondent to “provide copies of all electricity invoices on a list prepared by the Applicants and submitted to the Respondent within fifteen days of service of this decision and the PFEO.” A list was provided by the Applicants and the Respondent provided copies of invoices.
7. The Applicants made detailed representations on the invoices which had been provided and the involvement of a broker employed by the Respondent to provide services in relation to the procurement of utility providers.
8. The tribunal accepted that the Applicants have concerns about the invoices which were provided, the transfer of the utility supplier and issues surrounding tariffs. The tribunal determined that the Respondent had complied with the PFEO by providing copies of invoices. It may be that the particular information provided by the Respondent or its broker, and the contents of the invoices, raise concerns for the Applicants that there have been possible breaches of the Code or the property factor’s duties, but the function of the tribunal is to consider compliance with the PFEO which has been issued.
9. The tribunal determined that, in relation to the production of electricity invoices, the Respondent has complied with the requirements of the PFEO.
10. The tribunal determined that the PFEO had been fully complied with.

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.

Martin J. McAllister
Legal Member

17 May 2026