

Housing and Property Chamber
First-tier Tribunal for Scotland



Notice of Proposal of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”)

Reference number: FTS/HPC/PF/25/5360

Re: Property at 91 Curle Street, Glasgow, G14 0RR (“the Property”)

The Parties:

Ms Nikhita Valipe, 91 Curle Street, Glasgow, G14 0RR (“the Homeowner”)

91BC, Garscadden House, 3 Dalsetter Crescent, Glasgow, G15 8TG (“the Property Factor”)

Tribunal Members: Ruth O’Hare, Legal Member, and Ahsan Khan, Ordinary Member

NOTICE TO THE PARTIES

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 (“PFEО”):

“(1) In respect of its breaches of the Code and WSS, and the stress and inconvenience caused to the Homeowner, the Property Factor must pay to the Homeowner the sum of £400 from its own funds into the Homeowner’s bank account within 28 days of intimation of the final PFEО. For the avoidance of doubt, the sum should be paid in full to the Homeowner and not offset against any outstanding factoring charges.

(2) In respect of the debt recovery process undertaken by the Property Factor against the Homeowner, the Property Factor must pay the Homeowner a sum equivalent to the fees applied as part of that process or credit said sum to her account within 28 days of intimation of the final PFEО.

(3) That the Property Factor removes the Notice of Potential Liability for Costs from the Homeowner’s title deeds within 28 days of intimation of the final PFEО.

(4) That the Property Factor provide the Homeowner with all invoices provided by the energy provider for the development from June 2024 to date along with accurate reconciled invoices for her share of the communal charges, and refund or credit the Homeowner for any overpayments within 28 days of intimation of the final PFEO.

(5) That the Property Factor update its debt recovery procedure contained within the WSS to include provision for handling disputed debts within 28 days of intimation of the final PFEO.

(6) That the Property Factor provide the Homeowner with a formal written apology for its breaches of the Code and WSS within 28 days of intimation of the final PFEO.

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 may have serious consequences and constitute an offence.

Ruth O'Hare

Legal Member/Chair

11 September 2026

Date