

Housing and Property Chamber

First-tier Tribunal for Scotland



Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 ("the Act") following upon a Decision of the Housing and Property Chamber of the Firsttier Tribunal for Scotland in an application under Section 17(1) of the Act

Chamber Ref:

FTS/HPC/PF/25/3320

Property at 0/1, 173 Craighall Road

("the Property")

The Parties:-

Mr Jun Fai Simon Fong, 0/1, 173 Craighall Road, Glasgow G4 9TN

("the Applicant")

James Gibb Property Management Ltd, Red Tree Magenta, 270 Glasgow Rd, Rutherglen, Glasgow

("the Respondent")

Tribunal Members:

Iain MacRae (Legal Member)

Elizabeth Williams (Ordinary Member)

This document should be read in conjunction with the Tribunal's Decision under Section 19(1)(a) of the Act of the same date.

The Tribunal proposes to make the following Property Factor Enforcement Order ("PFEO"):

Within 4 weeks of the communication of the PFEO to respondent they shall:-

1. At their own cost, ensure that all risers within tenement at 173 Craighall Road, Glasgow G4 9TN are secured by locks and that they hold the keys, (or a master key) to those locks;

2. Have in place a policy or procedure to allow them to monitor the secure storage, access to, tracking and return of riser keys; and provide a copy of that policy to the applicant;
3. Pay to the applicant the sum of £300.00 by way of compensation to reflect that the applicant has been put to considerable inconvenience through the Respondent's failure to comply with the Code and carry out their property factor duties: and
4. Confirm in writing to the office of the Tribunal that steps 1, 2 and 3 above have been carried out.

Section 19 of the Act provides as follows:

"... (2) In any case where the tribunal proposes to make a property factor enforcement order, they 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 them. (3) If the tribunal are 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 committee must make a property factor enforcement order..."

The intimation of the Tribunal's Decision and this notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the Tribunal's office by no later than 14 days after the date that the Decision and this notice is intimated to them.

If no representations are received within that timescale, then the Tribunal is likely to proceed to make a property factor enforcement order ("PFEO") without seeking further representations from the parties.

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence

10 September 2026

Iain MacRae Legal Member

Date