

Housing and Property Chamber

First-tier Tribunal for Scotland



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)

NOTICE TO THE PARTIES

1. The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor had complied with the Code of Conduct for Property Factors, in terms of the Property Factors (Scotland) Act 2011 (‘the 2011 Act’) and having determined that the Factor had failed to comply with the duties in their Written Statement of services in that they (a) were unable to timeously discharge their duty to engage with third party agencies to ensure broadband was installed to the property, (b) were not able to discharge their duty to organise and instruct routine maintenance of the riser which was a common part; and (c) failed to deal with the applicant’s complaint

and queries regarding the progress of it in accordance with their written statement of service; all as detailed in the decision dated 10 September 2026.

2. On 11 September 2026 the Tribunal intimated to the parties, in terms of their said decision dated 10 September 2026, that they proposed to make a Property Factor Enforcement Order (PFEO) requiring the Property Factor

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.

3. The parties were given notice that they should ensure that any written representations they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and the notice of the proposed Property Factor Enforcement Order was intimated to them.
4. Apart from the respondent emailing the Tribunal to confirm the steps it was taking, the parties did not provide any written representation in relation to the terms of the proposed PFEO.
5. Section 19(3) of the Property Factors (Scotland) Act 2011 requires the Tribunal to make a PFEO where they have determined that the Factor has failed to carry out Property Factor duties or comply with the Code of Conduct.

Consequently, the Tribunal make the following Property Factor Enforcement Order:

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.

Failure to comply with a PFEO may have serious consequences and constitute an offence.

Appeals

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

2 October 2026

Iain MacRae Legal Member

Date