



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

**PROPERTY FACTOR ENFORCEMENT ORDER under section 19(3) of the
Property Factors (Scotland) Act 2011**

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

- 1 The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the Property Factor has complied with the Code of Conduct for Property Factors and the property factor’s duties, in terms of Section 14 of the Property Factors (Scotland) Act 2011 (“the 2011 Act”) determined that the Property Factor had failed to comply with sections 2.7, 3.1, 4.4 and 7.1 of the Code and the property factor duties under Section 17(5) of the 2011 Act in terms of their breach of the Written Statement of Services (“WSS”) at Section 3.3. Reference is made to the decision of the Tribunal dated 11 September 2026.
- 2 The Tribunal intimated to the parties, in terms of their said decision dated 11 September 2026, that they proposed to make a Property Factor Enforcement Order (“PFEO”) requiring the Property Factor to pay the Homeowner the sum of £400, to pay the Homeowner a sum equivalent to the fees applied as part of the debt recovery process or credit her account, to remove the Notice of Potential Liability for Costs from the Homeowner’s title deeds, to provide the Homeowner with accurate reconciled invoices for her share of the communal charges and refund or credit any overpayments, to update the Property Factor’s debt recovery procedure, and to provide the Homeowner with a written apology. 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 PFEO was intimated to them.

- 3 The Decision and Notice of the proposed PFEO was intimated to the parties on 11 September 2026. The deadline for written representations was therefore 25 September 2026.
- 4 No written representations were received from either party.
- 5 The Tribunal is therefore satisfied that it has given both parties the opportunity to make written representations in relation to the proposed PFEO.
- 6 Consequently the Tribunal makes the following Property Factor Enforcement Order:-

“(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 PFEO. 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 PFEO.

(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 PFEO.

(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.

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.

14 October 2026

Chairperson

Date