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

Proposed Property Factor Enforcement Order ("PFEO"): Property Factors (Scotland) Act 2011 Section 19(2)

Chamber Ref: FTS/HPC/PF/24/5479

Property at 11 Orchard Row, Abbey Park Avenue, St Andrews, Fife, KY16 9HN ("the Property")

The Parties:

Ms Sheila Cassells, 11 Orchard Row, Abbey Park Avenue, St Andrews, Fife, KY16 9HN ("the Applicant")

Newton Property Management, 87 Port Dundas, Glasgow, G4 0HF ("the Respondent")

Tribunal Members: Yvonne McKenna (Legal Member) Ahsan Khan (Ordinary Member)

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 ("PFEO"):

Within 28 days of the date of communication of the PFEO, the Respondent shall:

1. **Pay the Applicant the sum of £400 (four hundred pounds).** Two hundred pounds is payable in respect of the stress, inconvenience and administrative burden suffered by her as a result of the Respondent's breaches of the Code and failure to carry out its property factor duties. Two hundred pounds is payable in respect of the float payment paid by the Applicant to the Respondent.

2. **Withdraw its demand for a "float" payment** from the Applicant and confirm in writing to the Applicant that no such payment is due.

3. **To minimise future complaints, provide written confirmation to the Tribunal that it has reviewed its procedures** in relation to:(a) responding to homeowner enquiries and complaints within the timescales specified in its Written Statement of Services; and (b) the identification, correction and communication of invoice errors, and set out the steps taken to address those matters.

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 has serious consequences and may constitute an offence.

_**Yvonne McKenna**_____ Legal Member and Chair

_**19 September 2026**_____ Date