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

Property Factor Enforcement Order ("PFEO"): Property Factors (Scotland) Act 2011 Section 19(3)

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 19 September 2026.

Decision

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it.

The decision of the Tribunal is unanimous.

Reasons for Decision

In the Tribunal's decision of 19 September 2026, it proposed to make a PFEO as follows:

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.

The Tribunal indicated that prior to making a property factor enforcement order, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

The Tribunal's decision was intimated to the parties on 30 September 2026.

No representations have been received from either party.

The Tribunal accordingly confirms the original decision made in terms of section 19(1)(a) of the Act.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following 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.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

Appeals

A homeowner or property factor 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.

Yvonne McKenna
_____ Legal Member and Chair

__2 November 2026_____ Date