Decision and Certificate of Compliance following upon a Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under Section 17(1) of the Property Factors (Scotland) Act 2011.

Reference number: FTS/HPC/PF/25/2804

Re: 18 King Street, Aberdeen AB24 5AX ("the Property")

The Parties:

Mr Mark Brankin ("the Applicant")

Mrs Cheryl Brankin
("the Applicant's Representative")

Newton Property Management Limited
("the Respondent")

Tribunal Members:
Martin J. McAllister, Solicitor, (Legal Member)
Peter McEachran, Chartered Surveyor, (Ordinary Member)
(the "tribunal")

The Tribunal determines that the said Property Factor Enforcement Order dated 27 July 2026 has been complied with.

Terms of the Property Factor Enforcement Order (PFEO):

The Respondent will provide an undertaking that it will communicate effectively with the Applicant in relation to the programme of works to be carried out on the tenement building at 18 King Street, Aberdeen, AB24 5AX, and ensure that regular updates with regard to progress of any grant application(s) and interaction with contractors engaged in the repairs. The Respondent will also provide an undertaking that it will do all within its power to ensure that the said works are progressed in an efficient and proper manner. The undertakings will require to be provided within fifteen days of the service of this document.

Reason for Decision

1. The Respondent provided undertakings in compliance with the PFEO.

2. The Respondent provided copies of letters to the Homeowner dated 24 June, 6 August, 25 August and 5 October 2026. These letters provided updates and advised the Applicant of the situation with regard to other owners in the tenement engaging (or not engaging) with the necessary process to apply for grant funding which would allow works to commence. The letter of 24 June 2026 stated that the owners of five flats and two commercial properties had not returned grant application forms despite efforts made by the Respondent and the appointed consultant to have them do so. The letter of 5 October 2026 stated that properly completed grant application forms were still awaited from owners of three flats and two commercial properties. The letter stated that the

Respondent have been in discussions with Aberdeen City Council to establish whether the grant funding application could proceed without “achieving 100% completion of the required forms.”

3. On 4 October 2026, the Applicant emailed the tribunal and queried whether the Respondent had “actioned” anything. The Applicant stated that no works had been commenced and that there was “a massive hole in the ceiling just beside our flat ……there remains significant water ingress throughout the building.”

4. The Applicant gave details of the difficulties he was having in selling the Property because of its condition and the reduced value of it.

5. The tribunal has considerable sympathy with the Applicant. The situation he finds himself in must be extremely stressful. However, the role of the tribunal is to determine whether the Respondent has complied with the PFEO.

6. The tribunal was satisfied that the Respondent had provided the undertakings referred to in the PFEO. The copy letters provided by the Respondent evidence that it is keeping the Applicant advised of the situation with the applications for grant assistance and the lack of engagement of some owners. The letters also state the steps the Respondent is taking with regard to discussions with Aberdeen City Council.

7. Notwithstanding that the necessary works have not commenced, the tribunal noted the efforts that the Respondent has made in trying to progress matters. It had provided the undertakings required to comply with the PFEO and it had demonstrated that it was trying to progress matters. The Respondent had no powers to compel owners of other properties in the tenement to engage with the grant application process.

8. The tribunal determined that the Respondent had complied with the PFEO.

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.

Martin J. McAllister
Legal Member
10 November 2026