Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under section 17 of the Property Factors (Scotland) Act 2011 ("the Act")

Chamber Ref: FTS/HPC/PF/25/2650 and FTS/HPC/PF/25/3386

Property address: 3, Canal Court, Threemiletown, Linlithgow, EH49 6LZ ("the Property")

The Parties:

Ms. Diane Ridgebridger, 3 Canal Court, Threemiletown, Linlithgow, EH49 6LZ ("the Applicant and Homeowner")

And

James Gibb Property Management Limited, 23 Alva Street, Edinburgh, EH2 4PS ("the Respondent and Property Factor")

Tribunal Members:

Ms. B Black (Legal Member)

Mr. A Khan (Ordinary Member)

DECISION

The Tribunal decides not to issue a Property Factor Enforcement Order.

The decision is unanimous.

Background

1. The Homeowner made an application to the First-tier Tribunal on 7th August 2025 by way of C1 application and on 16th June 2025 by way of C2 application. The homeowner applied to the Tribunal for a determination on whether the factor had failed to comply with various sections of the Code of Conduct for Property Factors

imposed by section 14 of the Property Factors (Scotland) Act 2011 and to carry out the property factor duties in terms of section 17 (1) (a) of the Property Factors (Scotland) Act 2011 (hereafter referred to as "the 2011 Act").

2. The application was accepted by the Tribunal and referred for determination by the Tribunal.

3. A Case Management Discussion ("CMD") took place by telephone conference on 23rd March 2026 at 10am. It was agreed by all Parties that the Tribunal would determine the application based on the case file and evidence available.

Hearing

4. Having considered the case file, the tribunal issued a decision together with a draft of its proposed property factor enforcement order ("PFEO").

5. The terms of the proposed PFEO were as follows:

"Within one month of the communication to the property factors of the PFEO, the property factors shall pay to the homeowner the sum of £500.00 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."

6. Parties were invited to make representations to the tribunal in respect of this proposed order in terms of section 19 (2) of the 2011 Act.

Subsequent representations

7. Subsequent to the issue of the proposed PFEO, the homeowner sent an email dated 6th October 2026 to the Tribunal administration confirming that the terms of the draft order had been complied with.

8. In the circumstances the tribunal takes the view that issuing a final PFEO would appear to be unnecessary and accordingly the Tribunal has elected in terms of section 19 (1) (b) of the 2011 Act not to make a PFEO in this case

Right of Appeal

In terms of Section 46 of the Tribunal (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.

Legal Member: B Black
10 November 2026