Housing and Property Chamber
First-tier Tribunal for Scotland

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

Written Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 17 of the Property Factors (Scotland) Act 2011

Reference number: FTS/HPC/PF/25/0233

Re: Property at 21 London Avenue, Glasgow, G40 3HR ("the Property")

The Parties:

Mr John Meikle, 21 London Avenue, Glasgow, G40 3HR ("the Applicant")

James Gibb Property Management Ltd, Red Tree Magenta (3rd Floor), 270 Glasgow Road, Rutherglen, G73 1UZ ("the Respondent")

Background

1. On 17th January 2025 the Applicant lodged an application in terms of Section 17 of the Property Factors (Scotland) Act 2011 being application by a homeowner to enforce the Property Factors Code of Practice.

2. Along with the application the Applicant lodged a copy of his Property Factor Code of Conduct letter, which he sent to the Respondent on 13th August 2024

3. The case was accepted by the Tribunal on 13th March 2025.

4. A Case Management Discussion was fixed for 1st September 2025.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant represented himself. The Respondent was not present and was not represented.

6. The Tribunal explained the purposes of a CMD in terms of Rule 17 of the Tribunal's Rules.

7. The Applicant's application is made with reference to the Code of Conduct for Property Factors published on 14th July 2021. The paragraphs which the Applicant alleges are breached by the Respondent are 6.1, 6.4, 6.9 and 7.2. The Applicant's

application lays out fairly clearly why he considers each paragraph is breached. He has lodged documentation in support of his position.

8. The Tribunal requires to see a copy of the title deeds. The Applicant will lodge them.

9. The Tribunal was unsure which of the versions of the Written Statement of Services lodged by the Applicant applies. The Tribunal will issue a Direction to the Respondent ordering them to lodge the correct one.

10. The Tribunal decided that the case could not be resolved at the CMD and that it required to proceed to a Hearing. The Applicant's preferred format was videoconference.

11. The Tribunal also wished to view the property to see what the alleged damage was. A visit will be arranged to take place at some point prior to the Hearing.

Inspection

12. On 3rd November 2025 the Tribunal members carried out a site visit to inspect the property.

Hearing

13. The Hearing took place by Webex. The Applicant represented himself. The Respondent was represented by Miss Holt, Associate Director of the Respondents.

14. The Chairperson introduced everyone and explained the purposes of the Hearing.

15. Miss Holt was asked why the Respondents had not complied with the Direction issued by the Tribunal after the CMD. She said it had not been forwarded to her. She only became aware of it when the invitation to the Webex Hearing was forwarded to her. She had then been on a week's annual leave and has not yet had an opportunity to fully investigate what happened to the email with the Direction attached.

16. Miss Holt said that she has now made contact with the Applicant. She visited him on 5th December 2025, and she then arranged for a contractor to clear the offending hoppers. This was done on the following Tuesday.

17. Miss Holt said that she would now arrange for the contractor, Priority Roofing, to attend at the property to assess the damage to the roof terrace and to make arrangements to reinstate it, all at the expense of the Respondent. She also agreed, after the Applicant asked, that there would be no charge to the Applicant for the work done to clear the hoppers. Further, she agreed that a contractor would be employed to clear the moss from the side of the building, again at the expense of the Respondent.

18. The Tribunal decided that the best way to proceed was to adjourn today's Hearing to a later date and for a Direction to be issued setting out what was expected of the Respondent, in line with Miss Holt's undertakings.

19. The Tribunal pointed out that there was a separate issue in relation to alleged breach of paragraph 7.2 of the Property Factor Code of Practice, but that this could be dealt with at the continued Hearing, the property at this stage being to have the repairs carried out.

Subsequent to Hearing

20. The Tribunal issued a Direction to the Respondent as follows:

*Arrange for a contractor to visit the property and assess the damage to the decking and joists at the roof terrace.

* Instruct a contractor to carry out all necessary repairs and replacements to the decking and supporting joists at the roof terrace at the expense of the Respondent.

*Arrange for a contractor to remove the moss at the side of the building of which the property form's part at the expense of the Respondent.

21. The parties sent various emails over the next few months updating the Tribunal on progress.

Continued Hearing

22. The Hearing took place on1st June 2026 by Webex. The Applicant represented himself. The Respondent was represented by Miss Holt, Associate Director of the Respondents.

23.The Applicant had confirmed in emails that a joiner had carried out a repair to the roof terrace. The Applicant did not think the repair had been carried out properly as he did not think the joist had been installed correctly and there was more bounce in the terrace than he thought there should be. He confirmed that Miss Holt had been out to inspect it on 29th May. She had tried to get the builder to come with her, but he was not available.

24. At the Hearing the Applicant confirmed that he would be content with a further continuation to allow Miss Holt to come out with the builder. The Applicant could then explain his concerns to the builder and hear what the builder had to say.

25. Miss Holt explained that the moss issue at the side of the building was also being dealt with. She had agreed with the Applicant that after the hopper was cleared, they should give some time for the wall to dry. There are some marks, which she does not

think are moss, which are to be dealt with. The Applicant agreed that this was the position.

26. The Tribunal decided to adjourn the case and fix a Case Management Discussion in a few months' time to see if the issues are resolved.

Subsequent to Hearing

27. On 4th September 2026 the Respondent sent an email to the Tribunal conforming that the repairs had been carried out.

28. On 9th September 2026 the Applicant sent an email to the Tribunal accepting that the repairs had been carried out and confirming he now just wanted to deal with the issue of poor communications.

Continued Hearing

29. The Continued Hearing took place on 5th October 2026 by Webex. The Applicant represented himself. The Respondent was represented by Miss Holt, Associate Director of the Respondents.

30. The Applicant confirmed that the repair to the terrace had been carried out, and that the state of the terrace is as good as its going to be. He said that the only matter outstanding as far as he was concerned was the issue of poor communication by the Respondent when he raised the issue in the first place.

31. Miss Holt said that the Respondent accepted that the communication had been poor and apologised for any stress that had been caused to the Applicant. She said that they have a good relationship now and she hopes that the communication has been better.

32. The Applicant said that the communication has been better, but he hoped that the Respondent has reviewed its processes and that no other customer will experience the stress that he has had.

Findings In Fact

i. The Applicant owns the property at 21 London Avenue, Glasgow, G40 3HR;
ii. The Respondent provides property factoring services to the Applicant;
iii. The Applicant raised issues with the Respondent regarding gutter hoppers being blocked;
iv. The Respondent accepts that initial communication in relation to the issue was poor on their part;

v. The repair issues have now been resolved;
vi. The Applicant suffered a degree of stress and inconvenience due to the Respondent's lack of communication.

Decision

33. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Property Factor:

Has failed to comply with the Section 14 duty in terms of the Act in respect of compliance with the Property Factor Code of Conduct 2021 being:

OSP11**.** You must respond to enquiries and complaints within reasonable timescales and in line with your complaints handling procedure.

Property Factor Enforcement Order

34. Having made a decision in terms of Section 19(1)(a) of the Act that the Property Factor has failed to comply with the Section 14 duty and has failed to carry out the property factor's duties, the Tribunal then proceeded to consider Section 19(1) (b) of the Act which states

"(1) The First-tier Tribunal must, in relation to a homeowner's application referred to it … decide … whether to make a property factor enforcement order."

35. The Property Factor has made errors and therefore, the Tribunal proposes to make a PFEO.

36. Section 20 of the Act states:

"(1) A property factor enforcement order is an order requiring the property factor to (a) execute such action as the First-tier Tribunal considers necessary and (b) where appropriate, make such payment to the homeowner as the First-tier Tribunal considers reasonable.

(2) A property factor enforcement order must specify the period within which any action required must be executed or any payment required must be made.

(3)A property factor enforcement order may specify particular steps which the property factor must take."

37. The Tribunal proposes to make a PFEO to order the Property Factor to pay the sum of £200 to the Applicant in relation to the stress he has experienced due to their lack of communication when he raised the repairs issues and subsequently.

38. Section 19 (2) of the Act states: - “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.”

39. The Tribunal, by separate notice intimates the PFEO it intends to make and allows the Parties fourteen days to make written representations on the proposed PFEO.

40. The decision is unanimous.

Appeal 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.

Chairperson of the Tribunal
Dated: 5th October 2026