

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision

Section 17 and 19 (3) of the Property Factors (Scotland) Act 2011 and the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors.

Reference number: FTS/HPC/PF/23/3240

Re: Flat 9, Newton Gardens, 50 Newton Street, Greenock, PA16 8SQ ("the Property")

The Parties:

Mr Alastair Walker, 26 Duncan Green, Livingston, EH54 8PR, Trustee of the late Catherine McDonald Millan ("the Applicant")

**Morison Walker Property Management Ltd, 23 Patrick Street, Greenock, PA16 8NB
("the Respondent" and 'the Property Factor')**

Tribunal Members:

**Martin J. McAllister, Solicitor, (Legal Member)
Ahsan Khan, (Ordinary Member)
(the "tribunal")**

Decision

I The Respondent has breached the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors 2021 ("the Code").

II The tribunal makes a property factor enforcement order requiring the Respondent to pay the sum of £50 to the Applicant within 30 days of service of this decision and notice.

Background

1. This is an application by Mr Walker in respect of the Property in relation to the Respondent's actings as a property factor. The application is in terms of Section 17 of the Property Factors (Scotland) Act 2011 (the 2011 Act).
2. This decision should be read in conjunction with the decision dated 18 December 2025.

3. The tribunal heard evidence at hearings held on 2 July and 18 November 2024.
4. The tribunal determined that the Respondent had failed to comply with the Code and, in terms of Section 19 (2), gave notice to the parties of a proposed property factor enforcement order ("PFEO"). The notice was sent to parties on 20 December 2024 and neither submitted any representations to the Tribunal. The Applicant intimated that an outstanding account due to the Respondent had been paid.

Disposal

5. The tribunal had regard to Section 19 (3) of the Act and determined to make a property factor enforcement order requiring the Respondent to pay the sum of £50 to the Applicant within 30 days of service of this decision and 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
31 January 2025**