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/24/1647

Re: 0/1, 70 Fergus Drive, Glasgow G20 6AP ("the Property")

Parties:

Dr Ben Snow and Ms Aubrey Bierworth, 01, 70 Fergus Drive, Glasgow G20 6AP ("the Homeowners")

W.M. Cumming Turner & Watt, 40 Carlton Place Glasgow G5 9TS ("the Factor")

Tribunal Member:

Graham Harding (Legal Member)
Robert Buchan (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal's Decision of 6 September 2025.

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 6 September 2025, it proposed to make a PFEO as follows:

(1) The Factor must write to all the owners at 70 Fergus Drive Glasgow apologising for its failure to communicate with them as regards the proposed repairs to the boundary wall and all other outstanding issues and explain to the owners why there has been a lack of communication and provide a copy of the correspondence to the Tribunal.

(2) The Factor must ensure that all members of its staff are made aware of the importance of good communication with owners and the need to comply with the Code of Conduct for Property Factors 2021 and provide the Tribunal with written confirmation that appropriate training in this regard has been carried out.

(3) The Factor shall pay the Applicants the sum of £1000.00 for the worry, distress and inconvenience suffered by them as a result of the Factor's breach of the 2021 Code.

(4) The Factor must provide the Tribunal with written confirmation that parts (1), (2) and (3) of this Order have been completed within 30 days of the date of this Order.

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 2025. Neither party submitted any written representations to the Tribunal.

The Tribunal therefore determined to issue a Property Factor enforcement order in the same terms as the proposed PFEO.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

(1) The Factor must write to all the owners at 70 Fergus Drive Glasgow apologising for its failure to communicate with them as regards the proposed repairs to the boundary wall and all other outstanding issues and explain to the owners why there has been a lack of communication and provide a copy of the correspondence to the Tribunal.

(2) The Factor must ensure that all members of its staff are made aware of the importance of good communication with owners and the need to comply with the Code of Conduct for Property Factors 2021 and provide the Tribunal with written confirmation that appropriate training in this regard has been carried out.

(3) The Factor shall pay the Applicants the sum of £1000.00 for the worry, distress and inconvenience suffered by them as a result of the Factor's breach of the 2021 Code.

(4) The Factor must provide the Tribunal with written confirmation that parts (1), (2) and (3) of this Order have been completed within 30 days of the date of this Order.

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.

Graham Harding   Legal Member and Chair

19 November 2025 Date