



PROPERTY FACTOR ENFORCEMENT ORDER

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011**

Chamber Ref:FTS/HPC/PF/23/2929 and FTS/HPC/PF/23/3040

**0/2, 3A Sherbrooke Drive, Pollokshields, Glasgow, G41 5AA and 0/1, 5
Sherbrooke Drive, Pollokshields, Glasgow, G41 5AA ('the Properties')**

**Mrs Michelle George residing at 17 Kirkview Crescent, Newton Mearns,
Glasgow, G77 5DB ('the Homeowner and Applicant')**

James Gibb Residential Factors ('the Factor and Respondent')

Tribunal members:

Jacqui Taylor (Chairperson) and Nick Allan (Ordinary Member).

NOTICE TO THE PARTIES

1. The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the Code of Conduct for Property Factors, in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with sections 2.7, 6.6 and 7.2 of the 2021 Code of Conduct, and Property Factor duties, all as stated in their decision dated 23rd January 2025.

2. The Tribunal intimated to the parties, in terms of their said decision dated 23rd January 2025, that they proposed to make a Property Factor Enforcement Order, requiring the Property Factor to pay the Homeowner two times £250 (a total of £500). The parties were given notice that they should ensure that any written representations they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and the notice of the proposed Property Factor Enforcement Order was intimated to them.

3. The parties did not provide any written representation in relation to the proposed PFEO.

4. Consequently, the Tribunal make the following Property Factor Enforcement Order:

“The Factor must pay the homeowner two times £250 (a total of £500) for the stress and inconvenience she had suffered and for their contribution to causing the IKO guarantee to be invalidated, from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to the Factor of the Property Factor Enforcement Order’.

Failure to comply with a PFEO may have serious consequences and constitute an offence.

Appeals

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.

Jacqui Taylor

Signed

Chairperson Date: 25th March 2025