

Housing and Property Chamber

First-tier Tribunal for Scotland



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/25/0301

6 Barony Court, Cambusbarron, Stirling FK7 9NG (“the property”)

Mr Robert Skilleter, 6 Barony Court, Cambusbarron, Stirling FK7 9NG (“the Applicant”)

Ross and Liddell, 60 St Enoch Square, Glasgow, G1 4AW (“the Respondent”)
Tribunal Members:

Tribunal Members:

Josephine Bonnar (Legal Member) and Mary Lyden (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision of 5 October 2025.

Decision

The Tribunal determines that it should make a PFEO in the terms originally proposed by it, under deletion of the words “All within 28 days of intimation of the PFEO”.

The decision of the Tribunal is unanimous.

Reasons for decision

In the Tribunal’s decision of 5 October 2025, it proposed to make a PFEO in the following terms: -

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- (1) The Tribunal order the Respondent to pay to the Applicant the sum of £150 for his time, effort, and inconvenience, and

- (2) The Tribunal order the Respondent to issue a letter of apology to the Applicant for their failure to comply with the Code of Conduct.

All within 28 days of intimation of the PFEO."

The Tribunal indicated that prior to making a PFEO, it would provide the parties with the opportunity to make representations under section 19(2)(b) of the Act.

The Tribunal received the following submissions from the parties: -

1. The Respondent's representative sent an email to the Tribunal on 22 October 2025. This stated that a cheque for £150 and a letter of apology had been issued. A copy of a letter dated 21 October 2025 and addressed to the Applicant was attached. This stated that the Respondent apologised for the breaches of the Code. A copy of a cheque for £150 was also attached.
2. In response to an enquiry from the Tribunal, the Applicant confirmed by email on 17 November 2025, that both the cheque and the letter of apology had been received.

The Tribunal is satisfied that the Respondent failed to comply with its duties under section 14(5) of the Property Factors (Scotland) Act 2011 Act in that it did not comply with OSPs 4 and 6 and Section 6.4 of the 2021 Code of Conduct for Property Factors.

The parties did not lodge submissions in relation to the proposed PFEO, other than to confirm that it had already been implemented.

Section 19(3) of the 2011 Act states that if the Tribunal is satisfied that the Property Factor has failed to carry out its duties and/or comply with its section 14 duty, the Tribunal "must" make a PFEO.

The Tribunal is therefore satisfied that a PFEO should be issued in the terms originally proposed subject to the deletion of the word "All within 28 days of imitation of the PFEO" as both letter of apology and cheque have already been issued

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

- (1) The Tribunal order the Respondent to pay to the Applicant the sum of £150 for his time, effort, and inconvenience, and
- (2) The Tribunal order the Respondent to issue a letter of apology to the Applicant for their failure to comply with the Code of Conduct.

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 a 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.

Josephine Bonnar, Legal Member

22 November 2025