

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/PF24/0893

Re: 1-16 Park Manor, Crieff PH7 4LJ

Parties:

Mr Peter Boyle, 15 Park Manor, Crieff PH7 4LJ (the Homeowner”)

James Gibb Property Management Limited, Unit J, Prospect Business Centre, Gemini Crescent, Dundee (“the Factor”)

Tribunal Member:

**Graham Harding (Legal Member)
Sandra Brydon (Ordinary Member)**

This document should be read in conjunction with the First-tier Tribunal’s Amended Decision of 19 September 2025.

Decision

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it with the exception of the following amendments:-

- a) The sum awarded in section (1) shall be increased to £500.00.
- b) The Factor shall issue an apology to the Homeowner for failing to adequately address his enquiries and emails from August 2023 as regards the excessive invoice charged by SSE and the refund of £1141.12 that was not credited to the owners’ accounts and provide the Tribunal with a copy.
- c) The Factor will provide the Homeowner with a detailed written explanation in respect of the invoice and the refund referred to at b) above and provide the Tribunal with a copy.

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal’s decision of 27 April 2025, it proposed to make a PFEO as follows:

- (1) In respect of the inconvenience and trouble suffered by the Homeowner as a result of the Factor’s breaches of the 2021 Code the Tribunal requires the

Factor to pay from its own funds the sum of £300.00 to the Homeowner within thirty days of the service on it of the final PFEO in terms of Section 19(3) of the 2011 Act

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 29 April 2025.

By email dated 12 May the Homeowner sought a review of the Tribunal's Decision of 27 April 2025 and in response to a query from the Tribunal by email dated 13 June 2025 confirmed he was also seeking a review of the Proposed PFEO.

After considering the Homeowner's Application for review the Tribunal considered it had some merit and sought a response from the Factor and also considered whether to have a hearing.

After considering all the responses from the parties the Tribunal determined a hearing was not necessary and determined the Homeowner's application for review on the basis of the written submissions of the parties and issued its Review Decision on 19 September 2025. On the same date the Tribunal issued an amended Decision of its original Decision and determined to amend the PFEO.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

- (1) In respect of the inconvenience and trouble suffered by the Homeowner as a result of the Factor's breaches of the 2021 Code the Tribunal requires the Factor to pay from its own funds the sum of £500.00 to the Homeowner within thirty days of the service on it of the PFEO in terms of Section 19(3) of the 2011 Act
- (2) The Factor shall issue an apology to the Homeowner for failing to adequately address his enquiries and emails from August 2023 as regards the excessive invoice charged by SSE and the refund of £1141.12 that was not credited to the owners' accounts and provide the Tribunal with a copy and that within 30 days of the service on it of the PFEO in terms of Section 19(3) of the 2011 Act
- (3) The Factor will provide the Homeowner with a detailed written explanation in respect of the invoice and the refund referred to at b(3) above and provide the Tribunal with a copy within 30 days of the service on it of the PFEO in terms of Section 19(3) of the 2011 Act.

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 September 2025