

Housing and Property Chamber

First-tier Tribunal for Scotland



Housing and Property Chamber of the First-tier Tribunal for Scotland

Property Factor Enforcement Order (“PFEO”) : Property Factors (Scotland) Act 2011 Section 19(3)

Chamber Ref:

FTS/HTC/PF/23/3425

Property Address:

10 McVicars Lane, Dundee, DD1 4LH (“the property”)

The Parties

**Mr Logan Reidy, 10
McVicars Lane, Dundee,
DD1 4LH (“the
homeowner”)**

**James Gibb Residential
Factors, Bellahouston
Business Centre, 423 Paisley
Road West, Glasgow, G51
1PZ (“the property factor”)**

Tribunal Members:

Mr Mark Thorley (Legal Member)
Mr Donald Wooley (Ordinary Member)

This document should be read in conjunction with the Tribunal’s decision under section 19(1)(a) of 5 March 2025.

The Tribunal has decided that it should make a Property Factor Enforcement Order (“PFEO”) in the terms originally proposed by it.

The decision of the Tribunal is unanimous.

Reasons for Decision

In the Tribunal’s decision of 5 March 2025 , it proposed to make a PFEO as follows

Within 28 days of the communication to the property factors of the PFEO the property factors shall make payment to the home owner of the sum of £1000.00 (One Thousand Pounds) and , during that same 28 day period, provide the home owner with a written apology.

The Tribunal indicated that prior to making a PFEO it would provide the parties with a period of 14 days within which to make representations under section 19(2)(b) of the Act.

The Tribunals decision was intimated to parties on 5 March 2025.

No representations were received from either party and the Tribunal therefore determined that it should make a PFEO in the terms originally proposed by it

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

1. Within 28 days of the communication to the property factors of the final PFEO the property factors shall make payment to the home owner of the sum of £1000.00 (One Thousand Pounds) and , during that same 28 day period, provide the home owner with a written apology in terms of Section 19(3) of the 2011 Act.

Failure to comply with a property factor enforcement order may have serious consequences and may 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.

Signed

Legal Member

Date 13 May 2025