

Housing and Property Chamber

First-tier Tribunal for Scotland



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/24/2710

Flat 1/2, 17 Prospecthill Street, Greenock, PA15 4HH ('the Property')

**Miss Helen McGoldrick, Flat 1/1, 17 Prospecthill Street, Greenock, PA15 4HH
(‘the Homeowner and Applicant’)**

**Riverclyde Homes, Clyde View, 22 Pottery Street, Greenock, PA15 2UZ ('the
Factor and Respondent')**

Tribunal members:

Jacqui Taylor (Chairperson) and Mary Lyden (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 OSP 11 and section 2.7 of the 2021 Code of Conduct, all as stated in their decision dated 14th August 2025.

2. The Tribunal intimated to the parties, in terms of their said decision dated 14th August 2025, that they proposed to make a Property Factor Enforcement Order('PFEO') requiring the Property Factor to pay the Homeowner the sum of £100. 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 PFEO was intimated to them.

3. The Homeowner sent the Tribunal a letter dated 7th September 2025. The letter advised that she agreed with the decision of the Tribunal. It also stated that the

Factor has failed to return her recent phonecalls and she provided details. She stated that the award of £100 was not good enough because the Factor is still failing to comply with OSP 11 and section 2.7 of the Code of Conduct. She asked the Tribunal to increase the award of compensation and to waive her outstanding direct debit fees due to the Factor.

4. The Property Factor did not provide any written representations in relation to the proposed PFEO.

5. The Tribunal have considered the Homeowner's representations in relation to the proposed PFEO. The Tribunal are unable to increase the award to compensation on the basis that the Homeowner states that the Factor continues to fail to return her phonecalls. It would be for the Homeowner to make a fresh application to the Tribunal.

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

'The Factor must pay the homeowner £100 for the inconvenience she had suffered 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: 14th October 2025