

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Proposed Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(2)

Chamber Ref: FTS/HPC/PF/24/1647

Re: 0/1, 70 Fergus Drive, Glasgow G20 6AP (“the Property”)

Parties:

Dr Ben Snow and Ms Aubrey Bierworth, 01, 70 Fergus Drive, Glasgow G20 6AP (“the Homeowners”)

W.M. Cumming Turner & Watt, 40 Carlton Place Glasgow G5 9TS (“the Factor”)

Tribunal Member:

Graham Harding (Legal Member)
Robert Buchan (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal’s Decision of the same date.

The First-tier Tribunal proposes to make the following Property Factor Enforcement Order (“PFEO”):

- (1) The Factor must write to all the owners at 70 Fergus Drive Glasgow apologising for its failure to communicate with them as regards the proposed repairs to the boundary wall and all other outstanding issues and explain to the owners why there has been a lack of communication and provide a copy of the correspondence to the Tribunal.
- (2) The Factor must ensure that all members of its staff are made aware of the importance of good communication with owners and the need to comply with the Code of Conduct for Property Factors 2021 and provide the Tribunal with written confirmation that appropriate training in this regard has been carried out.
- (3) The Factor shall pay the Applicants the sum of £1000.00 for the worry, distress and inconvenience suffered by them as a result of the Factor’s breach of the 2021 Code.

(4) The Factor must provide the Tribunal with written confirmation that parts (1), (2) and (3) of this Order have been completed within 30 days of the date of this Order.

Section 19 of the 2011 Act provides as follows:

"(2) In any case where the First-tier Tribunal proposes to make a property factor enforcement order, it must before doing so—

(a) give notice of the proposal to the property factor, and

(b) allow the parties an opportunity to make representations to it.

(3) If the First-tier Tribunal is satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, the First-tier Tribunal must make a property factor enforcement order."

The intimation of the First-tier Tribunal's Decision and this proposed PFEO to the parties should be taken as notice for the purposes of section 19(2)(a) and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) reach the First-tier Tribunal by no later than 14 days after the date that the Decision and this proposed PFEO is sent to them by the First-tier Tribunal. If no representations are received within that timescale, then the First-tier Tribunal is likely to proceed to make a property factor enforcement order without seeking further representations from the parties.

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

Graham Harding

Legal Member and Chair

6 September 2025