Housing and Property Chamber
First-tier Tribunal for Scotland

Certificate of Compliance following upon a decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in an application under section 17(1) of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/24/4854

Property address: Moravia Court, Market Street, Forres, IV36 1EA ("the Property")

The Parties

The Executor of the late Mr James Nicol, c/o Grigor and Young LLP, 1 North St, Elgin, IV30 1UA ("the Homeowner)

Newton Property Management Ltd., 87 Port Dundas Road, Glasgow, G4 0HF ("the Property Factor")

Tribunal Members

Ms H Forbes (Legal Member) and Mr A Khan (Ordinary Member)

Decision

The Tribunal having determined that the Property Factor Enforcement Order ("PFEO") relating to the Property dated 17th September 2026 has been complied with, hereby certifies that the Property Factor has complied with the PFEO.

Reasons for Decision

1. By decision dated 11th May 2026, the Tribunal determined that the Property Factor had failed to comply with the Property Factor Code of Conduct ("the Code") and failed to carry out their property factor duties.

2. The Tribunal issued a proposed PFEO dated 11th May 2026 in the following terms, giving parties an opportunity to make representations:

    (1) Provide details to the Homeowner and the Tribunal outlining how the Property Factor intends to implement the undertaking given by the Property Factor's representative during the hearing to calculate the amount of lost interest due to homeowners of the development in respect of the contingency fund during the period of the Property Factor's appointment;

(2) Make payment of the sum of £500.00 from their own funds to compensate the Homeowner for the distress, frustration and inconvenience caused as a result of the Property Factor's failure to comply with the Code of Conduct and carry out its property factor duties."

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

4. By email dated 1st June 2026, the brother of the Homeowner informed the Tribunal that the Homeowner passed away on 11th May 2026.

5. By email dated 8th June 2026, the Property Factor provided information in respect of requirement (1) of the proposed PFEO.

6. By email dated 16th June 2026, the Property Factor stated that payment had been made to the late Homeowner's bank account to satisfy requirement (2) of the proposed PFEO.

7. By email dated 25th June 2026, the Property Factor informed the Tribunal that payment to the late Homeowner had not been rejected by his bank.

8. By email dated 8th July 2026, the brother of the late Homeowner stated that he was attempting to get further information from the Executor as to whether payment had been received to the late Homeowner's account.

9. On 18th September 2026, compliance checks were issued to parties.

10. By email dated 18th September 2026, the Property Factor confirmed compliance with the PFEO. No response has been received on behalf of the late Homeowner.

11. The Tribunal is satisfied that the PFEO has been complied with by the Property Factor. The decision is unanimous.

Right of Appeal

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.

Legal Member
16th November 2026