

Housing and Property Chamber

First-tier Tribunal for Scotland



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

in

Application under section 17 of the Property Factors (Scotland) Act 2011

By

Iain Hampson, 5 Edgar Street, Dunfermline, Fife KY12 7EY (“the Applicant”)

Newton Property Management, 87 Port Dundas Road, Glasgow G4 0HF (“the Respondent”)

Re: Property at Edgar Street, Dunfermline, Fife KY12 7EY (“the Property”)

Chamber Ref: FTS/HPC/PF/24/5106

Tribunal Members:

John McHugh (Chairman) and Kingsley Bruce (Ordinary (Surveyor) Member).

Decision

The Tribunal hereby determines that the Property Factor Enforcement Order has been complied with.

The decision is unanimous.

Reasons for Decision

The Tribunal issued the following Property Factor Enforcement Order (“PFEO”) on 10 April 2026:

“ Within 31 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 Credit to the Applicant’s factoring account all charges for late payment or debt recovery which have been imposed since June 2023.**
- 2 Pay to the Applicant (by cheque or bank transfer as opposed to crediting of his factoring account) the sum of £1000.**
- 3 Confirm in writing to the office of the Tribunal that steps 1 and 2 above have been carried out.”**

In terms of section 23(1) of the 2011 Act, the Tribunal is to determine whether the Respondent has complied with the PFEO.

The Tribunal gave consideration to the extent to which the PFEO had been complied with.

The Respondent submitted a written response to the Tribunal in which it asserts that the PFEO has been complied with. The Applicant acknowledged receipt of the cheque for £1000 but was unable to reconcile the credits with his account. The Tribunal directed the Respondent to provide information relating to the account credits to allow the Applicant to reconcile same. On 3 July 2026, the Tribunal requested that the Applicant confirm that he was satisfied with the information provided and that the PFEO had been complied with..He has not responded. The Tribunal therefore resolved to proceed to consider whether there had been compliance with the PFEO based on the available evidence.

The Tribunal hereby finds based on the Respondent’s information that the PFEO has been complied with.

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

Date 26 August 2026

JOHN M MCHUGH

Chairperson