Housing and Property Chamber
First-tier Tribunal for Scotland

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

Property Factor Enforcement Order ("PPFEO"): Property Factors (Scotland) Act 2011 Section 19(3)

Chamber Ref: FTS/HPC/PF/25/3406

Re: Property at 204 Rosemount Place, Part of 198-204 Rosemount Place, Aberdeen, AB25 2XQ ("the Property")

Parties:

Mr Robert Rogers, 5 Bay Road, Wormit, Fife, DD6 8LU (Homeowner)

Newton Property Management, 87 Port Dundas Road, Glasgow, G4 0HF (Property Factor)

Tribunal Member:

Melanie Barbour (Legal Member)
Donald Wooley (Ordinary Member)

This document should be read in conjunction with the First-tier Tribunal's Decision of 28 September 2026.

Decision

The Tribunal has decided that it should make a PFEO.

The decision of the Tribunal is unanimous

Reasons for Decision

In the Tribunal's decision of 28 September 2026, it proposed to make a PFEO. The proposed terms of the PFEO were sent out to each party. The Tribunal indicated that prior to making a property factor enforcement order, it would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act. The Tribunal's decision was intimated to the parties on 28 September 2026.

No response was received from either party to the proposed PFEO and therefore the Tribunal will proceed to make a PFEO.

Property Factor Enforcement Order

The First-tier Tribunal hereby makes the following PFEO:

Within a period of two months from the date of the PFEO, the Factor must:

(1) Review its complaints handling procedure, and update its terms in order that it conforms to the Property Factors Code of Conduct 2021 and submit a copy of the revised procedure to the Tribunal for its consideration;

The revised procedure shall contain details setting out **how the Property Factor will manage complaints from Homeowners against contractors or other third parties used by the Property Factor to deliver services on their behalf.**

(2) The Property Factor will undertake staff training: to train staff to inform homeowners about how they are dealing with their concerns if it appears that the homeowner wishes to make a complaint, but the matter is not a matter covered by the Property Factor's complaints procedure. They will submit a written note to the Tribunal confirming that they have undertaken this training.

Under Section 24(1) of the Property Factors (Scotland) Act 2011, a person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.

Appeals

A homeowner or property factor 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.

Melanie Barbour Legal Member and Chair

25 October 2026

Date