

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Property Factor Enforcement Order (“PFEO”): Property Factors (Scotland) Act 2011 Section 19(3)

Chamber Reference: FTS/HPC/PF/24/0305 & FTS/HPC/LM/23/3165

Property address: 114 Muirdykes Avenue, Port Glasgow, PA14 5TS (“the Property”)

The Parties

Mr Alan Guthrie, 114 Muirdykes Avenue, Port Glasgow, PA14 5TS (“the Homeowner”)

Curb Factoring, Watling House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR (“the Property Factor”)

Decision

The Tribunal has decided that it should make a PFEO in the terms originally proposed by it. The decision is unanimous.

Reasons for Decision

1. In the Tribunal’s decision of 14th October 2025, it proposed to make a PFEO as follows:

“The Property Factor is required, within 30 days of the making of this Property Factor Enforcement Order, to make payment of the sum of £350 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 section 1 of the 2012 Property Factor Code of Conduct (“the 2012 Code”).’

2. 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. The decision and proposed PFEO were issued on 14th October 2025.
3. No representations under section 19(2)(b) of the Act were received from either party.

4. By email dated 29th October 2025, the Property Factor provided representations stating that they had made payment on the proposed PFEO on 22nd October 2025.
5. The Tribunal has now confirmed its decision made in terms of Section 19(1)(a) of the Act. The Tribunal agrees that it would be appropriate to make a PFEO, notwithstanding that the Property Factor claims to have made payment to the Homeowner.

Property Factor Enforcement Order

6. The First-tier Tribunal hereby makes the following PFEO:

The Property Factor is required, within 30 days of the making of this Property Factor Enforcement Order, to make payment of the sum of £350 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 section 1 of the 2012 Property Factor Code of Conduct ("the 2012 Code").

7. Under section 24 (1) of the Act, a person who, without reasonable excuse, fails to comply with the Property Factory Enforcement Order commits an offence.

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.

Helen Forbes
Legal Member and Chairperson
28th November 2025

