

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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 14<sup>th</sup> 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 14<sup>th</sup> October 2025.
3. No representations under section 19(2)(b) of the Act were received from either party.

4. By email dated 29<sup>th</sup> October 2025, the Property Factor provided representations stating that they had made payment on the proposed PFEO on 22<sup>nd</sup> 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:

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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  
28<sup>th</sup> November 2025

