



Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012

In Application

by

Richard Thomas, 11 Amethyst Court, Chelmscote Road, Solihull, West Midlands B92 8BY ("the Applicant")

Factor4You, 10 River Court, 5 West Victoria Dock Road, Dundee DD1 3JT ("the Respondent")

Reference No: HOHP/PF/14/0006

Re: Property at 16 Chandlers Lane, Dundee DD1 3DH.
("the Property")

Committee Members:

John McHugh (Chairman); Ahsan Khan and Mary Lyden (Housing Members).

This document should be read in conjunction with the Committee's Decision of 10 September 2014.

DECISION

We are of the view that we should make a property factor enforcement order in the terms originally proposed by us.

Our decision is unanimous.

REASONS FOR DECISION

In our decision we indicated that we proposed to make a property factor enforcement order ("PFEO").

We indicated that prior to making a property factor enforcement order, we would provide the parties with a period of fourteen days within which to make representations under section 19(2)(b) of the Act.

Our decision was intimated to the parties on 16 September 2014.

No representations have been received.

We consider that, having decided that there has been a failure to carry out the property factor's duties and the section 14 duty, we are obliged by section 19(3) of the Act to make a property factor enforcement order.

Property Factor Enforcement Order

We hereby make the following Property Factor Enforcement Order ("PFEO"):

"Within 28 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 Accept that its appointment as factor of the Development has been validly terminated by the proprietors of properties within the Development by the process which culminated in the Applicant's letter to the Respondent of 20 September 2013;
- 2 Make a payment to the Applicant of £150 in recognition of the stress and inconvenience caused to him as a result of the Respondent's failings;
- 3 Send by post to the proprietors of each and every property in the Development a copy of the Committee's Decision and this PFEO.
- 4 Provide evidence of compliance with paragraph 3 above by sending to the office of the Homeowner Housing Panel Certificates of Posting issued by Royal Mail."

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

APPEALS

The parties' attention is drawn to the terms of section 22 of the 2011 Act regarding their right to appeal and the time limit for doing so. It provides:

“(1) An appeal on a point of law only may be made by summary application to the sheriff against a decision of the president of the homeowner housing panel or a homeowner housing committee.

(2) An appeal under subsection (1) must be made within the period of 21 days beginning with the day on which the decision appealed against is made...”

Signed _____.

Date 13 October 2014

JOHN M MCHUGH

Chairperson