



Notice of Proposal

of

the Homeowner Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 19 (2) (a) of the Property Factors (Scotland) Act 2011

Case Reference Number: HOHP/PF/15/0058

Re : Property at 2/3, 8 Dixon Road, Glasgow G42 8AY ("the Property")

The Parties:-

Andrew Lynn, 2/3, 8 Dixon Road, Glasgow G42 8AY ("the Applicant")

Ross & Liddell Limited, 60 St Enoch Square, Glasgow G1 4AW ("the Respondents")

The Committee comprised:-

Mr David Bartos	- Chairperson
Mr Ian Mowatt	- Surveyor member

NOTICE TO THE PARTIES

Whereas in terms of its decision bearing the same date as this notice, the Homeowner Housing Committee decided that the Respondents have failed to comply with the Property Factor Code of Conduct and failed to carry out their duty to take reasonable care to arrange insurance under the Deed of Conditions by Mary Halliday Allan or Earnshaw and recorded in the Division of the General

Register of Sasines for the Barony and Regality of Glasgow on 27 April 1961 all as stated in said decision; the Committee proposes to make a property factor enforcement order in the following terms:

- (1) The Respondents shall, by no later than the end of 2015 insure the tenement at 8 Dixon Road Road, Glasgow G42 8AY and any outhouses against loss or damage by fire, storm damage and property owners' third party liability by a policy with an established insurance company in the joint names of the proprietors of the premises in the said tenement (including the Applicant) for a sum to include the reasonable cost of reinstatement or rebuilding of the said tenement and any outhouses (including the whole of the parts of the tenement owned in common by the proprietors of the dwellinghouses), with the said policy of insurance being endorsed with the interest of any standard security holder or bondholder interested in any such premises;
- (2) In arranging the insurance under paragraph (1), the Respondents shall, in fixing the reasonable cost of reinstatement or rebuilding of the said tenement, obtain advice on the appropriate level of cost from a suitably qualified chartered surveyor;
- (3) The Respondents shall, by no later than 2 weeks of the insurance cover in terms of paragraph (1) above coming into force, issue to the Applicant an insurance certificate or certificates certifying that such insurance has been put into force.
- (4) The Respondents shall, by no later than 5 weeks from the notification of this Order inform the owners of properties in the tenement of which the Property forms part, including the Applicant, of the frequency with which property revaluations will be undertaken for the purposes of the insurance mentioned in the said Deed of Conditions.
- (5) The Respondents shall, by no later than 2 weeks from the notification of this Order inform the Applicant, of the commission received by them from the company providing insurance cover for the tenement of which the Property forms part.
- (6) The Respondents shall, by no later than 5 weeks of the notification of this Order issue to the Applicant and other proprietors in the tenement an amended Service Level Agreement which incorporates a written statement of services under section 1.1a of the Code of Conduct for Property Factors under the Property Factors (Scotland) Act 2011 in which:
 - (a) under the heading "DEBT RECOVERY" all debt recovery procedures proposed to be followed are specified;

(b) under the heading "INSURANCE" the paragraphs beginning with "Please note that each proprietor" are omitted and replaced by wording explaining that if the Respondents arrange a common buildings policy they will at periodic intervals arrange for building reinstatement valuations and will inform proprietors of those intervals.

(7) The Respondents are prohibited from issuing any letter under their debt recovery procedure bearing a label or title which does not correspond with the description of the letter given in the written procedure for debt recovery as stated in their Service Level Agreement or other document.

Both Applicants and Respondents are invited to make representations to the Committee on this Notice of Proposal and the decision accompanying it. The parties must make such representations in writing to the Homeowner Housing Panel by no later than 14 days after the notification to them of this Notice.

David Bartos

Signed 12 November 2015
David Bartos, Chairperson