



Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 ("the Act") following upon a Decision of the Homeowner Housing Committee in an application under Section 17(1) of the Act

HOHP reference: HOHP/PF/15/0063

Re: 190 Bannermill Place, Aberdeen AB24 5EG ('the property')

The Parties:

Christopher McIntyre, 37 Bannermill Place, Aberdeen AB24 5EA ('the homeowner'); and

Select Property Management Services (Aberdeen) Limited, incorporated under the Companies' Acts (SC402142) and having its Registered Office at 28 Broad Street, Aberdeen and having a place of business at Factor's Office, Bannermill Place, Aberdeen AB24 5EG ("the property factor")

Decision by a committee of the Homeowner Housing Panel in an application under section 17 of the Property Factors (Scotland) Act 2011('the Act')

Committee members:

George Clark (chair) and Michael Scott (housing member)

This document should be read in conjunction with the Committee's Decision under Section 19(1)(a) of the Act of the same date.

The Committee proposes to make the following Property Factor Enforcement Order ("PFEO"):

"Within 4 weeks of the communication to the property factor of the PFEO, the property factor shall (1) provide the homeowner with sufficient information to demonstrate that the property factor has complied with Section 4.7 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors, ("the Code"), including the number of court actions for recovery of arrears of factoring charges raised during the period that the property factor provided factoring services to the homeowner, the number of such cases in which decree was granted, and the total amounts recoverable and recovered in terms of those decrees and (2) pay to the homeowner the sum of £50 by way of compensation for the inconvenience and distress caused by the property factor's failure to comply with the Code."

Section 19 of the Act provides as follows:

"... (2) In any case where the committee proposes to make a property factor enforcement order, they must before doing so...

(a) give notice of the proposal to the property factor, and

(b) allow the parties an opportunity to make representations to them.

(3) If the committee are satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, the committee must make a property factor enforcement order..."

The intimation of the Committee's Decision and this notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the Homeowner Housing Panel's office by no later than 14 days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the Committee is likely to proceed to make a property factor enforcement order ("PFEO") without seeking further representations from the parties.

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

George Clark

Chairperson Signature

.....

Date 2 December 2015