



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 Ref: HOHP PF/14/0094

The Property: 0/1, 35 Montague Street, Glasgow G4 9HU

The Parties: –

MGM Consultancy Ltd, registered under the Companies Acts and having its Registered Office, formerly at 16, Comely Park, Dunfermline KY12 7HU, and now at 16, Dollarbeg Park, Dollar, Clackmannanshire, FK14 7LT (“the homeowners”)

and

Walker Sandford Property Management Ltd, registered under the Companies Acts, having its Registered Office at c/o Clements, Chartered Accountants, 39 St Vincent Street, Glasgow G1 2ER and having a place of business at St George’s Buildings, 5 St Vincent Place, Glasgow G1 2DH (“the factors”)

Committee Members:

David Preston (Chairman); and Mike Links (Surveyor 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 one month from the date of service of the PFEO to follow hereon, the factors to:

1. Issue to all proprietors in the block at 35 Montague Street, a full letter of explanation of the whole circumstances surrounding the common repair to the half landing, to assist the homeowners, if so advised, to seek to recover the respective shares of the cost of the common repair work and associated costs. The letter should explain: how the situation was discovered; that the homeowner was facilitating access to the common area through their property to minimise costs; that the homeowners were anxious to regain the use of their property as quickly as possible; that the failure to provide alternative quotes at the time the quote from Aegis was sent to them was that of the factors and not any attempt by the homeowner to place the contract with a preferred contractor; details of the quotation received from Archd McCorquodale & Son Ltd dated 12 May 2014; and an explanation that the actual cost of the work was lower than the only other quote which the factors could obtain.
2. Issue to the homeowners an apology for the lack of professionalism in dealing with their correspondence throughout and the lack of adequate response to their concerns.
3. Pay to the homeowners from their own funds the sum of £1,000 by way of compensation for the stress and inconvenience caused to them throughout the period as well as their time, effort and inconvenience in making the application and attending the hearings.

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 fourteen 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.

David Preston

Chairman

13 November 2015

Date