



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/14/0101

Re: 2/1, 9 Dunearn Street, Glasgow G4 9ED (‘the property’)

The Parties:

Mr Neil Patel, Flat 3, 8 Great Western Terrace, Glasgow, G12 0UP (‘the homeowner’)

Walker Sandford, St George’s Buildings, 5 St Vincent Place, Glasgow G1 2DH (‘the property factor’)

The Homeowner Housing Committee: Martin McAllister, legal member and Colin Campbell, 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”)

That within twenty eight days of service of the property factor enforcement order, the property factor confirms in writing to the Committee that relevant staff have been trained in the complaints process as set out in the property factor’s written statement of services and that appropriate robust internal processes are in place to ensure that complaints and other communications from homeowners are dealt with in accordance with the timescales set out in the written statement of services.

Section 19 of the 2011 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 twenty one 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.

Martin McAllister

Chairperson Signature

Date 25th November 2015

Martin J. McAllister