



## **Notice of Property Factor Enforcement Order**

**HoHP Ref: HOHP/PF/15/0103 & 0104**

**Re:**

**Properties at Broomhill Court, Stirling, FK9 5AF (collectively "the Property")**

**The Parties:-**

**Mrs AG Smith, 16 Craiglea Road, Perth, PH1 1LA ("the applicant")**

**Hacking & Paterson Management Services, 1 Newton Terrace, Charing Cross,  
Glasgow, G3 7PL ("the respondent")**

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

### **Committee Members:**

Maurice O'Carroll (Chairman)  
Tom Keenan (Housing Member)

**This Notice should be read in conjunction with the Decision dated 1 June 2016 under  
reference HOHP/PF/15/0103 & 0104**

1. By decision of even date with this Notice, the Committee determined that the Factors have breached their duties in terms of section 17(1)(a) of the 2011 Act in that the Factors have failed to carry out the property factor's duties.
2. In accordance with s 19(3) of the 2011 Act, having been satisfied that the Factors have failed to carry out the property factor duties, the Committee must make a Property Factor Enforcement Order. Before making an Order, to comply with section 19(2) of the Act, the Committee before proposing an Order must give notice of the proposal to the factor and must allow the parties an opportunity to give representations to the Committee.
3. The intimation of this Notice of Property Factor Enforcement Order to the parties should be taken as notice for the purposes of s 19(2)(a) and the parties are hereby given notice that they should ensure that any written representations which they wish to make under s 19(2)(b) reach the Homeowner Housing Panel's office by no later than 14 days after the date the decision is intimated to them.

4. If no representations are received within that timescale, then the committee will proceed to make a Property Factor Enforcement Order in the following terms without seeking further representations from the parties.

5. Therefore, the Committee proposes to make the following Property Factor Enforcement Order:

Within 28 days of the communication to the Factors of the Property Factor Enforcement Order, the Factors must:

1. Make payment to of the applicant the sum of £250 in recognition of the inconvenience and distress that the respondent's failures to comply with their factor duties have caused to the applicant.

At least one month prior to the present contract expiring:

2. Obtain quotations from three suitably qualified contractors (which may include the present contractor) to provide fire safety services at the development in which the Property is located. Said quotes are to be in respect of (i) wet/dry riser testing; (ii) emergency lighting testing; and (iii) checking of smoke vents; and communicate said quotes to the homeowners within the development in which the Property is located immediately upon receipt. Said quotes are to be obtained in like terms from each contractor so that they may be readily compared by the applicant and an informed choice for future contractor in relation to such services may be made.

6. **Appeals**

The parties' attention is drawn to the terms of s 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 date on which the decision appealed against is made..."

**Signed**

M O'Carroll  
Chairperson

**Date** 1 June 2016