



Certificate of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012

Property Factor Enforcement Order

HOHP ref: HOHP/PF/13/0295

Re: 18 Strathclyde Gardens, Drumsagard G72 7ET ('the property')

The Parties:

Mrs Natalie Holms, 18 Strathclyde Gardens, Drumsagard G72 7ET ('the homeowner')

PFAMS (a division of First Stop Properties Limited), 37 Cadzow Street, Hamilton ML3 6EE ('the factor')

Committee members:

Sarah O'Neill (Chairperson)

Thomas Keenan (Housing member)

Decision of the committee

The homeowner housing committee ('the committee'), having determined that the Property Factor Enforcement Order ('PFEO') relating to the property dated 20 July 2014 has been complied with, certifies that the factor has complied with the PFEO.

Reasons for the decision

1. On 20 July 2014 the committee issued a PFEO requiring the factor, within 28 days of the communication to the factor of the PFEO, to:
 1. Credit the sum of £25 to the applicant's account in recognition of the stress and inconvenience caused to her by the factor's failure to comply with its duties as a property factor with regard to the communal electricity relating to the property.
 2. Provide documentary evidence to the committee of its compliance with the Property Factor Enforcement Order by sending such evidence to the office of the Homeowner Housing Panel ('the panel') by recorded delivery post.
2. As narrated in the PFEO decision, a letter from the factor was received by the panel via recorded delivery post on 25 June 2014. This stated that the factor had

issued the homeowner with a credit note for £25, and enclosed a copy of this, requesting confirmation that the matter was now closed. An email was then received from the factor on 12 July, which explained that it had misinterpreted the terms of the Notice of Proposal to make a PFEO, and thought this was itself a final decision which had to be complied with. The factor apologised for this misunderstanding. Having considered the representations received from the parties, the committee issued a PFEO on 20 July in the same terms as the original Notice of Proposal to make a PFEO.

3. Following receipt of the PFEO decision, the factor sent an email to the panel on 11 August, re-iterating that it had misinterpreted the terms of the Notice of Proposal to make a PFEO, and that it had issued a credit note for £25 to the homeowner on 24th June and sent a copy of this to the panel by recorded delivery post. The factor advised that it had not reversed this credit note, and asked the committee to confirm that it had fulfilled the terms of the PFEO and was not required to do anything further.
4. Following confirmation by the committee that, subject to the homeowner's agreement, it was content that the credit note dated 24 June and the letter received by the panel the following day complied with the terms of the PFEO, the factor confirmed on 27 August that it had completed the actions required by the PFEO. The homeowner confirmed to the committee by letter dated 29 August that the factor had completed the actions required by the PFEO.
5. The committee is therefore satisfied that the factor has complied with the terms of the PFEO. It therefore issues this certificate of compliance. No further action is therefore required by the factor in terms of the PFEO.

Right of appeal

The parties' attention is drawn to the terms of section 22 of the 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 homeowner housing committee.
- (2) An appeal under subsection (1) must be made within the period of 21 days beginning with the day on which the decision appealed against is made.

More information regarding appeals can be found in the information guide produced by the homeowner housing panel. This can be found on the panel's website at:

<http://hohp.scotland.gov.uk/prhp/2649.325.346.html>

Sarah O'Neill

Chairperson Signature .

Date.. 01/10/17 ..