



**CERTIFICATE OF THE HOMEOWNER HOUSING PANEL ISSUED UNDER THE
HOMEOWNER HOUSING PANEL (APPLICATIONS & DECISIONS) (SCOTLAND)
REGULATIONS 2012**

HOHP/PF/13/0321

RE: PROPERTY AT FLAT 11 BLOCK 8, TAIT WYND, EDINBURGH EH15 2RJ

The Parties:-

The homeowner – Victoria Allan (“the applicant”)

The property factor – Charles White Ltd (“the respondents”)

**CERTIFICATE OF COMPLIANCE FOR THE PROPERTY FACTORY
ENFORCEMENT NOTICE AS VARIED, THE MOST RECENT VARIATION OF
EVEN DATE, IN TERMS OF SECTION 19(3) OF THE PROPERTY FACTORS
(SCOTLAND) ACT 2011**

Committee members

Richard Mill (Legal Chairperson)
Charles Reid Thomas (Surveyor Member)
Susan Brown (Housing Member)

Decision of the committee

The Homeowner Housing Committee having determined the Property Enforcement Order relative to the property originally issued on 10 April 2014 and subsequently varied, most recently by variation of even date, has been complied with, the committee therefore certifies that the Respondents have complied with the Order.

Reasons for Decision

There is a lengthy history to the procedure in this case. In summary, following the committee’s enquiries and oral hearing, a Property Factor Enforcement Order was issued on 10 April 2014. The Respondents subsequently appealed, though the Appeal to the Sheriff Court was dismissed. The committee, of new, in the circumstances issued a fresh Property Factor Enforcement Order for clarification. Sometime later, following the committee’s further enquiries it was identified that the Respondents had not fully complied and due to partial compliance the committee Varied the Property Factor Enforcement Order by extending the time period for compliance in respect of outstanding matters. The Property Factor Enforcement Order required subsequent Variation due to additional works identified to be required

to be undertaken at the property which impacted upon the Respondents ability to comply with the Property Factor Enforcement Order.

The committee is satisfied that all work which the Respondents are reasonably able to undertake in respect of the previously issued Property Factor Enforcement Order, of new, as Varied, has been complied with. In particular the committee are satisfied that the Respondents complied with items 1, 3, 4, 5 and 6 of the Order. The outstanding issue had been the carrying out of internal redecoration works to the applicant's property as previously specified within the Order. Such requirement and condition of the Order has now been removed in terms of the further Variation of even date for the reasons specified within said Variation.

The Homeowner Housing Committee has therefore decided to issue the present Certificate of Compliance. No further formal action is required of the Respondents in terms of the said Property Factor Enforcement Order. For the avoidance of doubt, as referred to within the accompanying formal Variation, it is acknowledged by the committee that the Respondents have undertaken to carry out the necessary redecoration works in the future when this is appropriate to do so.

Right of Appeal

In terms of Section 22 of the 2011 Act, any Appeal is on a point of law only and requires to be made by Summary Application to the Sheriff. Any Appeal must be made within 21 days beginning with the day on which the Decision appealed against is made.

Chairperson signature 

Date 8 May 2015



PROPERTY AT FLAT 11 BLOCK 8, TAIT WYND, EDINBURGH EH15 2RJ

The Parties:-

The homeowner – Victoria Allan (“the applicant”)

The property factor – Charles White Ltd (“the respondents”)

THIRD VARIATION OF PROPERTY FACTOR ENFORCEMENT ORDER

1. The Property Factor Enforcement Order (as already Varied) contains six obligations to be complied with by the Respondents.
2. The Respondents have complied with five of the six components, namely items numbered 1, 3, 4, 5 and 6.
3. Item 2 of the Property Factor Enforcement Order has not been adhered to. This obligation relates to the requirement of the landlord to redecorate (including undertaking electrical work) required as a result of water ingress to the applicant’s property. Said internal redecoration work would be futile to undertake at the current time. This is because the property has been and is currently the subject of further water ingress as a result of matters which are entirely unrelated to the subject matter of the application before the committee and entirely separate from the substance of the Property Factor Enforcement Order issued by the committee.
4. In the above circumstances the committee, by way of Direction, sought an undertaking from the respondents that they would, in due course, carry out the works specified within item 2 of the Property Factor Enforcement Order. Subject to such undertaking the committee indicated that they would Vary the Property Factor Enforcement Order removing said formal condition and proceed to issue a Compliance Certificate.
5. The applicant has made no representations seeking to dissuade the committee from their proposed course of action which has been set out.
6. In the circumstances, and as a proportionate means of concluding this matter which has been ongoing for some considerable time, the committee proceeds to formally Vary the Property Factor Enforcement Order further by removal of item 2 of said Order. The committee also issues, a Certificate of Compliance for the property by way of Certificate issued of even date.

In terms of Section 22 of the 2011 Act, any Appeal is on a point of law only and requires to be made by Summary Application to the Sheriff. Any Appeal must be made within 21 days beginning with the day on which the Decision appealed against is made.

Chairperson signature

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Date 8 May 2015