



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

By

Raymond Milne residing at 6 Meiklejohn Street, Stirling, FK9 5HQ (**‘the Homeowner’**)

Hacking & Paterson Management Services Limited, 1 Newton Terrace, Charing Cross, Glasgow, G3 7PL (**‘the Property Factor’**)

HOHP reference: HOHP/PF/13/0232

Re: Property at Re: 6 Meiklejohn Street, Stirling, FK9 5HQ (**‘the Property’**)

Committee members: Ewan K Miller, Chairperson; and Susan Napier, 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 28 days of service of the PFEO on the factor, the Property Factor must:-

1. Amend the relevant section of its Terms of Service to state the amount or percentage of commission received in respect of policies of insurance organised by it and to reissue the Terms of Service to all homeowners within the development.”
2. To credit the Homeowner’s account with the Property Factor with a sum equivalent to the amount received by the Factor in commission arising from the property owners liability insurance for the development since 1 November 2012 in respect of the Property”

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 21 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.

Ewan Miller

Chairperson Signature ...!

Date...5/8/14...