



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/16/0101

Re: 2/1 Sutcliffe Road, Glasgow G13 1BU (“the property”)

The Parties:

Stuart Donald, residing at 2/1 Sutcliffe Road, Glasgow G13 1BU (“the homeowner”);

and

GHA (Management) Limited, registered in Scotland under the Companies Act 1985, Registered No.SC245072, having their registered office at 177 Trongate, Glasgow G1 5HF, trading as YourPlace Property Management and having a place of business at 25 Cochrane Street, Glasgow G1 1HL (“the property factor”)

Committee members:

George Clark (chair) and David Hughes Hallett (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”):

“Within 4 weeks of the communication to the property factor of the PFEO, the property factor shall (1) confirm to the Committee that it has carried out a review of its procedures to ensure that it accurately records and maintains the names, addresses and contact telephone numbers, together with the preferred method of contact (if expressed) of the homeowners for whom it acts and that the contact information that it passes to third party providers of services is

also accurately maintained and (2) pay to the homeowner the sum of £500 by way of compensation for the inconvenience and distress caused by the property factor's failure to comply with the Code and failure to carry out the property factor's duties."

Section 19 of the 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 14 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.

G Clark

Chairperson Signature

Date...17 November 2016