



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

hoHP Ref: HOHP PF/13/0006, HOHP/PF/13/0007 and HOHP/PF/13/0008

Re: Property at 24 Ladywood, Milngavie, Glasgow, G62 8BE ("the property")

The Parties:-

PATRICK JOSEPH LYNCH, 24 Ladywood, Milngavie, Glasgow, G62 8BE ("the homeowner")

WALKER SANDFORD PROPERTY MANAGEMENT LTD, St Georges Building, 5 St Vincent Place, Glasgow, G1 2DH ("the factor")

Property Factor Enforcement Order issued following a decision by a Committee of the Homeowner Housing Panel dated 25 September 2013 in terms of section 19(3) of the Property Factors (Scotland) Act 2011 (the 2011 Act").

Committee Members

Pino Di Emidio (Chairperson)
Andrew Taylor (Surveyor Member)
Ahsan Khan (Housing Member)

1. In its decision dated 25 September 2013 and issued to the parties on 26 September 2013 the committee upheld part only of the homeowner's complaint in respect of case number HOHP/PF/13/0006. It found that the factor had failed to carry out the property factor's duties in certain respects as specified in paragraph 48 of its decision and proposed to make a property factor enforcement order as set out in paragraph 50.
2. The required notice of the terms of the proposed property factor enforcement order as required in terms of section 19(2)(a) of the 2011 Act was given to the parties in paragraph 49 of the decision dated 25 September 2013. No representations have been received from the parties as at 11 October 2013.

The Property Factor Enforcement Order

- 3. Therefore the committee makes the following property factor enforcement order in respect of case number HOHP/PF/13/0006.

Within 28 days of the communication to the factor of the property factor enforcement order, the factor must pay to the homeowner the sum of £25.00 in respect of the uncertainty, concern and inconvenience suffered by the homeowner as a result of the factor's failure to carry out property factor's duties by virtue of (1) its failure to collect the due instalments of the homeowner's common insurance premiums between 21 November 2012 and 15 December 2012 and (2) its withdrawal of weekly close cleaning and monthly window cleaning services in the period from 1 October 2012 to 15 December 2012.

Appeals

- 4. The parties' attention is drawn to the terms of section 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..."

Pino Di Emidio

Signed.....Date..... 14 October 2013
 Chairperson