



**Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2) of the Property Factors (Scotland) Act 2011 (“the Act”) following upon a Decision of the Homeowner Housing Committee in an application under Section 19 of the Act**

**hohp Ref: HOHP PF/16/0026**

**The Property: Flat 21, 4 Lindsey Road, Edinburgh EH6 4EP**

**The Parties: –**

**Jason Dove and Ievgeniia Dove, residing at the property (“the homeowners”)**

**and**

**Trinity Factoring Services Ltd, 209 – 211 Bruntsfield Place, Edinburgh EH10 4DH  
 (“the factors”)**

**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 one month from the date of service of the PFEO to follow hereon, the factors to:

1. Amend their Debt Recovery Procedure to cover the final step of registering a NOPL against homeowners, together with an explanation of the effect of consequences of such a step and ensure that a hard copy of their revised Debt Recovery Procedure is issued to the HomeOwners in the development of which the property forms part; and
2. Pay to Mr & Mrs Dove the sum of £350 from the factor’s own funds.

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 fourteen 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.**

07-Oct-16

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CHAIRMAN

Signed by: DAVID MICHAEL PRESTON