



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

hohp Ref: HOHP/PF/13/0058

Re: Property at Flat 3/3, 8 White Cart Court, The Point, Kilmarnock Road, Glasgow G43 2AT ("the Property")

The Parties:-

Ian McKim, 62 Mansionhouse Gardens, Langside, Glasgow ("the Applicant")

Charles White Limited, Citypoint, 65 Haymarket Terrace, Edinburgh EH12 5HD ("the Respondent")

**Decision by a Committee of the Homeowner Housing Panel
In an Application under section 17 of the Property Factors (Scotland) Act 2011
("the Act")**

Committee Members:

George Clark (Chairman), Alex Carmichael (Surveyor) and Sue Shone (Housing Member).

This Decision should be read in conjunction with the decision of the Committee dated 8 July 2013.

In that decision, the Committee indicated that it proposed, for the reasons stated in the decision to make a Property Factor Enforcement Order and, as required by Section 19(2)(b) of the Act, gave the parties a period of fourteen days from the date of intimation to them of its decision within which to make representations. No representations were received from or on behalf of the Applicant within that period. The Respondent advised the Committee by e-mail dated 9 August 2013 that a cheque for £100 had been sent to the Applicant and that the Respondent had instructed works to be carried out, but the Committee, having considered the terms of the e-mail, was not minded to alter its decision to issue a Property Factor Enforcement Order.

DECISION

The Committee, having taken into account the representations made by the Respondent, and having determined that the Respondent had failed to ensure compliance with the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors as required by section 14(5) of the Act and had failed to carry out the property factor's duties under Section 17(5) of the Act decided that it was required to make a Property Factor Enforcement Order in the terms originally proposed in its decision of 8 July 2013.

The decision was unanimous.

PROPERTY FACTOR ENFORCEMENT ORDER

The Committee makes the following Property Factor Enforcement Order:

Within 5 weeks of the communication to the Respondent of the Property Factor Enforcement Order, the Respondent must ensure that all works necessary to effect the repairs required to make the smoke vent system serving the Property fully functional have been carried out and must pay to the Applicant £100 for the inconvenience suffered by the Applicant. The Respondent must initially bear (and subsequently re-charge to owners as appropriate, in accordance with their respective liability) the cost of the works to the extent that the owners within the block of which the Property forms part have not paid their contributions towards the cost by the date on which the invoice for the works is submitted by the contractors.

Failure to comply with a Property Factor Enforcement Order may have serious consequences and may constitute an offence.

APPEALS

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 day on which the decision appealed against is made..."

Signed |GEORGE CLARK (Chairperson)

30 August 2013