



Proposal regarding the making of a Property Factor Enforcement Order following upon a Decision of the Homeowner Housing Committee on an Application under Section 17 of the Property Factors (Scotland) Act 2011

HOHP Reference: HOHP/PF/13/0294

Re: Subjects at 4 Muir Street, Renfrew, 805 Dalmarnock Road, Glasgow and 278B London Road, Glasgow

HOHP Reference: HOHP/PF/14/0093

Re: subjects at 278B London Road, Glasgow

THE PARTIES

Mr Dale Hughes, residing at 59 Braid Road, Edinburgh, EH10 6AR ("the applicant")

And

Grant and Wilson Property Management Limited, being a company registered in Scotland and having their place of business at 65 Greendyke Street, Glasgow G1 5PX ("the respondent")

The document should be read in conjunction with the committee's decision of the same date.

The committee proposes to make the following Property Factor Enforcement Order (PFEO)

Within 28 days of the date of the communication to the respondent of this PFEO, the respondent must:-

1. Make a payment of £350 to the applicant in compensation with regard to the respondent's continuing and continued failures to act in accordance with the Property Factor's Code of Conduct.
2. Confirm that all members of staff within the respondents will be made aware of the terms of the complaints procedure set out in the respondent's written Statement of Services and to ensure that all complaints are actioned in accordance with the Written Statement of Services and that no further responses are sent to any complainer requiring them to complete a "complaints form".
3. The respondent will ensure that all correspondence to homeowners is addressed to homeowners at the correspondence address which they hold for them and not sent to the property address when it is clear that the homeowner does not reside within 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 factors; 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 sub-section (2)(b) that the property factor has failed to carry out the property factors' 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 proposed PFEO to the parties should be taken as notice for the purposes of Section 19(2)(a) and parties are hereby given notice that they should ensure that any written representations which they wish to make under Section 19(2)(B) reach the Homeowner Housing Panel's office by no later than 14 days after the date that the decision and this proposed PFEO is intimated to them. If no representations are received within that timescale then the committee is likely to proceed to make a 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.

Signed.....
Chairperson

Date... 18 November 2015

Witness.....
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Date... 18 November 2015

CLAIRE MULLEN
SOLICITOR
7 WEST GEORGE ST
GLASGOW