



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

Hohp Ref: HOHP/PF/13/0327

Re: Property at Flat 4, 24 Woodside Place, Glasgow, G3 7QL ("the Property")

The Parties:-

Mrs Diana Dundas, Flat 4, 24 Woodside Place, Glasgow, G3 7QL 9TN ("the Applicant")

Ross & Liddell Ltd, 60 St Enoch Square, Glasgow, G1 4AW ("the Respondent")

**Certificate of Compliance with Property Factor Enforcement Order dated 18 July 2014
in terms of s 19(3) of the Property Factors (Scotland) Act 2011**

Committee Members:

Maurice O'Carroll (Chairman)
Douglas McIntyre (Housing Member)
Andrew Taylor (Surveyor Member)

Decision of the Committee

The Homeowner Housing Committee, having determined that the Property Factor Enforcement Order ("PFEO") relating to the Property dated 18 July 2014, issued following a decision of the Committee dated 4 July 2014, has been complied with, certifies that the Respondent has complied with the PFEO.

Reasons for the decision

1. By decision dated 4 July 2014, the Committee determined that the Respondent had breached its duties in terms of s 17(1)(b) of the 2011 Act in that it had failed to comply with sections 2.1, 2.5, and 7.1 of the Code of Conduct for Property Factors as required by s 14(5) of that Act. It issued a notice of PFEO on the same date.
2. Having allowed the parties an opportunity to give representations to the Committee, on 18 July 2014, the Committee issued a PFEO requiring the Respondent within 28 days of the date of the communication to:
 - i. Provide the Applicant with a written apology for its failures to comply with the Code in respect of the works which were the subject matter of the application.

- ii. Make payment to the Applicant of the sum of £250 in recognition of the inconvenience and distress that the Respondent's breaches of the Code caused to the Applicant.
 - iii. Reimburse the factor fees paid by the Applicant to the Respondent during the period from its date of registration of 1 November 2012 to 5 September 2013 in recognition of its failure to communicate within prompt timescales during that period.
3. By email dated 31 July 2014, the Respondent wrote to the Committee with a copy of its letter to the Applicant dated 28 July 2014 indicating that it had paid the £250 compensation in respect of distress and inconvenience and had refunded the factor fees in respect of the period noted above. By letter dated 19 August 2014, the Applicant confirmed that the PFEO had been complied with to that extent.
4. By letter dated 15 September 2014, the Respondent wrote to the Committee attaching a letter sent to the Applicant containing a written apology in respect of its failure to comply with the Code of Conduct as found by the Committee in its decision of 4 July 2014.
5. The Committee is therefore satisfied that the Respondent has complied with the terms of the PFEO. It therefore issues this certificate of compliance. No further action is therefore required by the respondent in terms of the PFEO.

Right of Appeal

The parties' attention is drawn to the terms of s 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.

More information regarding appeals can be found in the information guide produced by the Homeowner Housing Panel. This can be found on the Panel's website at:

<http://hohp.scotland.gov.uk/prhp/2649.325.346.html>

Maurice O'Carroll

Signed

Chairperson

Date 17 September 2014