



Notice of Property Factor Enforcement Order

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”)

Decision by a Committee of the Homeowner Housing Panel in an application under section 17 of the Property Factors (Scotland) Act 2011

Committee Members:

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

This Notice should be read in conjunction with the Decision of even date under reference HOHP/PF/13/0327

1. By decision of even date with this Notice, 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.
2. In accordance with s 19(3) of the 2011 Act, having been satisfied that the respondent has failed to carry out the property factor duties, the Committee must make a Property Factor Enforcement Order. Before making an Order, to comply with s 19(2) of the Act, the Committee before proposing an Order must give notice of the proposal to the factor and must allow the parties an opportunity to give representations to the Committee.
3. The intimation of this Notice of Property Factor Enforcement Order to the parties should be taken as notice for the purposes of s 19(2)(a) and the parties are hereby given notice that they should ensure that any written representations which they wish to make under s 19(2)(b) must reach the Homeowner Housing

Panel's office by no later than 14 days after the date the decision is intimated to them.

4. If no representations are received within that timescale, then the committee will proceed to make a Property Factor Enforcement Order in the following terms without seeking further representations from the parties.
5. Therefore, the Committee propose to make the following Property Factor Enforcement Order:

Within 28 days of the communication to the respondent of the Property Factor Enforcement Order, the respondent must:

1. Provide the Applicant with a written apology for its failures to comply with the Code in respect of the works which are the subject matter of the application.
2. 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 have caused to the Applicant.
3. 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.
4. Provide documentary evidence of compliance to the Homeowner Housing Panel with the above Orders within 7 days of having done so by recorded delivery post.

6. **Appeals**

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..."

Maurice O'Carroll

Signed

Date 4 July 2014

Chairperson