



Property Factor Enforcement Order made under Section 19 of the Property Factors (Scotland) Act 2011 ("the Act") following upon a Decision of the Homeowner Housing Committee in an application under Section 17(1) of the Act

hohp Ref: HOHP PF/14/0148

The Property: 34 Bell Street, Wishaw ML2 7NU

The Parties: –

Miss Claire McKenna, residing at 9 Burnpark Avenue, Uddingston, G71 7RY ("the homeowner")

and

Miller Property Management Ltd, registered under the Companies Acts and having its Registered office at 29 Brandon Street, Hamilton, South Lanarkshire, ML3 6DA ("the factors")

Committee Members:

David Preston (Chairman); and Andrew Taylor (Surveyor Member).

This document should be read in conjunction with the Committee's Decision under Section 19(1)(a) of the Act of the same date.

WHEREAS in its decision dated 14 October 2015 the Committee determined that the Factor had failed to comply with the Code of Conduct for Property Factors ("the Code"); and to carry out the property factor's duties and it determined to issue a Property Factor Enforcement Order (PFEO).

The required Notice of Proposal PFEO under Section 19 (2) of the Act was given to the parties on 19 October 2015 to allow them a period of 21 days from that date within which to make representations.

No representations were received within the statutory time limit.

Accordingly the Committee makes the following PFEO:

Within one month from the date of service of the PFEO to follow hereon, the factor to:

1. Review and revise its Written Statement of Services to incorporate all the requirements detailed in the Code of Conduct Property Factors and to send a copy of the revised version thereof to HOHP, Europa Building, 450 Argyle Street, Glasgow G2 8LH and to the homeowner.
2. Publish the revised version of the Written Statement of Services on its website.
3. Provide to the homeowner at their own expense and not at the expense of the homeowner: full written details of the Insurance Policies, including a full explanation of the apportioning of excesses and full disclosure of any commission, administration fee, rebate or other payment of benefit you receive from insurance companies.
4. Provide to the homeowner at their own expense and not at the expense of the homeowner: full details, excluding any commercially sensitive information, all tendering documentation in respect of the appointment of contractors in respect of maintenance and services provided at the development.
5. Pay to the homeowner from their own funds the sum of £75 as compensation for her time, effort and inconvenience in making the application.

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

APPEALS:

1. *The parties' attention is drawn to the terms of Section 22 of the Act regarding the 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 the decision of the President of the Homeowner Housing Panel or 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..."

David Preston

Chairperson Signature

Date 10 November 2015