



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

HOHP Reference: HOHP/PF/13/0055

PROPERTY AT 18 KIRKTON DRIVE, BURNTISLAND, FIFE KY3 0DD

The Parties:-

The homeowner – Dafydd McIntosh (“the applicant”)

The property factor – Collinswell Land Management Ltd (“the respondent”)

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

Committee Members: Richard Mill (Chairperson) Jean Thomson (Housing Member) Sally Wainwright (Housing Member)

PROPERTY FACTOR ENFORCEMENT ORDER

In terms of the committee’s Decision dated 8 July 2013 notice was given of the terms of a proposed Property Factor Enforcement Order and allowed parties an opportunity to make any written submissions in relation to the proposed Order. No representations have been received.

The committee, having resumed consideration of the reference, makes the Order in the following terms:-

Within 28 days of this Decision being issued to the parties, the respondent must:-

1. issue an accurate and comprehensive written statement of services which fully conforms to the Code.
2. issue a written apology to the applicant for their failure to provide him with a written statement of services complying with the Code timeously; and, for abusing and intimidating him.
3. make a payment to the applicant in recognition of his hurt feelings and inconvenience caused to him in the sum of £100.
4. provide to the committee documentary evidence of their compliance with parts 1, 2 and 3 of this Order.

The committee notes receipt of the respondent’s correspondence dated 16 July 2013 in which it is clear that they intend to respect and adhere to the committee’s Decision and Order. The committee notes however that the written statement of services produced is not accurate and comprehensive and does not fully conform to the code. The respondent may

wish to consider seeking legal advice in order to ensure that they are fully compliant with the terms of this Order.

The property factor should note that failure without reasonable excuse to comply with the Property Factor Enforcement Order is a criminal offence in terms of Section 24 of the 2011 Act. Additionally Scottish Ministers can take any failure into account in respect of the future registration of the respondent on the register of property factors.

In terms of Section 22 of the 2011 Act, any Appeal is on a point of law only and requires to be made by Summary Application to the Sheriff. Any Appeal must be made within 21 days beginning with the day on which the Decision appealed against is made.

Richard Mill

Signed

Dated...07/08/2013.....