



Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”) following upon a Decision of the Homeowner Housing Committee in an application under Section 17(1) of the Act

HOHP reference: HOHP/PF/16/0088

Re: Flat 5, The Italian Centre, 176 Ingram Street, Glasgow G1 1DN (‘the property’)

The Parties:

Mr David Harrison, Flat 5, The Italian Centre, 176 Ingram Street, Glasgow G1 1DN and 43 Liffier Road, Plumstead, London, SE18 1AU (‘the homeowner’)

Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (‘the property factor’)

Homeowner Housing Committee: Martin J. McAllister, legal member and Mary Lyden, housing member (the Committee)

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

The Committee proposes to make the following Property Factor Enforcement Order (“PFEO”)

The Committee proposes that a property factor enforcement order be made in the following terms:

The property factor is to pay the sum of £300 to the homeowner in respect of compensation and such compensation is to be credited to the account for service charges that the property factor holds in respect of the homeowner’s property. The payment is to be made within twenty eight days of service of the property factor enforcement order.

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 factor, 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 subsection (2)(b), that the property factor has failed to carry out the property factor's 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 notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the 2011 Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the Homeowner Housing Panel's office by no later than twenty one days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the Committee is likely to proceed to make a property factor enforcement order ("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.

Chairperson Signature

Date 24th November 2016

Martin J. McAllister