



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

hohp Ref: HOHP/PF/16/0012

Re: Property at Flat 2/2, 419 Clarkston Road, Glasgow G44 3LL (“the property”)

The Parties:-

Mrs Patricia Carroll, Flat 2/2, 419 Clarkston Road, Glasgow G44 3LL (“the Homeowner”)

Redpath Bruce Property Management Limited, 103 West Regent Street, Glasgow G2 (“the Factor”)

**Decision by a Committee of the Homeowner Housing Panel
In an Application under section 17 of the Property Factors (Scotland) Act 2011
 (“the Act”)**

Committee Members:

Patricia Anne Pryce (Chairperson); Mike Links (Surveyor Member); Brenda Higgins (Housing Member)

This document should be read in association with our decision dated 4th May 2016.

In our decision, we proposed to make a property factor enforcement order.

We indicated that, prior to making such an order, we would provide the parties with a period of fourteen days within which to make representations under s19 (2) (b) of the Act.

Our decision was intimated to the parties on 16th May 2016 by both post and email.

No response was received from either party.

Given that neither party made any further submissions to the Committee, we are of the opinion that we require to make a property factor enforcement order in the terms originally proposed by us.

Our decision is unanimous.

Reasons for Decision

We consider that, having decided that the Respondent has failed to comply with its duties under section 14 of the 2011 Act, we are obliged by Section 19(3) of the Act to make a property factor enforcement order.

Property Factor Enforcement Order

We hereby make the following property factor enforcement order:-

Within 28 days of the date of communication to the Respondent of the property factor enforcement order, the Respondent must:

1. Make a payment to the Applicant of £500 in recognition of the distress caused to the Applicant by the repeated failures of the Respondent.
2. Provide documentary evidence to the Committee of the Respondent's compliance with the above Property Enforcement Factor Order by sending such evidence to the office of the Homeowner Housing Panel by recorded delivery post.

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

Appeals

Parties' attention is drawn to the terms of Section 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 day on which the decision appealed against is made.”

Signed.

8th June 2016

Patricia Anne Pryce

Chairperson