



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

HOHP Reference: HOHP/PF14/0018

Property: Flat 8, 112 Hillpark Grove, Edinburgh, EH4 7EF ("the property")

The Parties:-

Mr Michael Sturgeon, residing at Flat 8, 112 Hillpark Grove, Edinburgh, EH4 7EF ("the applicant")

And

Charles White Limited, 92 Morningside Road, Edinburgh, EH10 4BY ("the factor")

**Certificate of Compliance with Property Factor Enforcement Order dated 16 December 2014 in
terms of s 19(3) of the Property Factors (Scotland) Act 2011**

Committee Members:

James Bauld (Chairman)
David Godfrey (Surveyor Member)
Elaine Munro (Housing Member)

Decision of the Committee

The Homeowner Housing Committee, having determined that the Property Factor Enforcement Order (PFEO) relating to the property of 16 December 2014 and subsequently varied, issued following a decision of the Committee dated 6 October 2014 has been complied with, certifies that the factor has complied with the PFEO.

Reasons for the Decision

1. By decision dated 6 October 2014 the Committee determined that the property factors had breached their duties in respect of s 17(5) of the Property Factors (Scotland) Act 2011 ("the Act").

The committee also issued a notice of a proposed PFEO on the same date.
2. Having allowed the parties an opportunity to provide representations to the Committee, the committee on 16 December 2014 issued a PFEO requiring the factors within a period of 28 days to carry out various steps.
3. The various steps were required to be carried out no later than 14 January 2015 and by a decision dated 31 March 2015 the Committee decided to vary the PFEO and required the factors to carry out the remaining parts of the PFEO within a further period of 21 days.

4. At the date of the variation the matters required to be dealt with by the factors were the provision of clear and transparent information on the method of collection of the sum insured for property insurance for the policy, a requirement to carry out snagging works listed in the decision of 6 October 2014 and a requirement to provide clarity with regard to the cleaning schedule for the internal common areas and external area of the property.
5. After the issue of the variation further correspondence was received from both parties.
6. On 10 November 2015 the Committee issued further correspondence to the parties requiring them to confirm whether they accepted that the various outstanding matters in the PFEO as varied had been completed.
7. Responses were received from both parties. The homeowner confirmed that the only matter which appeared to be outstanding was that the method of cleaning the common windows had never been properly detailed. However he accepted the windows were being cleaned. The property factors indicated in their response that they had provided a schedule specifying the periods during which windows would be cleaned.
8. On 7 March 2016 further correspondence was sent from the Committee to the parties. In that correspondence the parties were advised that there now appeared to be no dispute between the parties that the cleaning was being done but the only area in which there appeared to be a lack of agreement was whether a schedule had now been provided. The Committee indicated that in their view if this had been the only matter in dispute between the parties no PFEO would have been issued. The parties were advised that the Committee were minded to issue a further decision indicating that the terms of the PFEO had now been met and that the Order should be revoked. Responses were received from both parties to that request. Again the homeowner indicated that he was not necessarily satisfied that he had been provided with the required specification. The property factors again provided a copy of the relevant schedule.
9. The Committee confirm that they have now considered the various documents which have been sent to them in response to the requests in both November 2015 and March 2016. The Committee have taken the view that the matter should now be regarded as finalised. The Committee have taken the view that sufficient information has now been provided by the property factors to the homeowner in respect of the procedures whereby the windows and external areas will be cleaned. It is accepted by the homeowner that the cleaning is being carried out. The Committee take the view that sufficient clarity has been provided with regard to the cleaning schedule. The Committee did not require the property factors to provide the specifics of the cleaning method.
10. The Committee is therefore satisfied that the property factors have complied with the terms of the PFEO. The Committee have therefore decided to issue this certificate of compliance. No further action is therefore required by the property factors in terms of the PFEO.
11. The Chair of the Committee would wish to apologise to the parties and to the other members of the Committee in respect of the delay in issuing this decision.

Right of Appeal

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. That section provides:

- (1) An appeal on a point of law only may be made by summary application to the Sheriff against a decision made by the president of the Homeowner Housing Panel or a Homeowner Housing Committee.

- (2) An appeal under subsection (1) must be made within a period of 21 days beginning with the day on which the decision appealed against is made.

More information regarding appeals can be found in the information guide produced by the Homeowner Housing Panel. This can be found on the Panel's website at:

<http://hohp.scotland.gov.uk/prhp/2649.325.346.html>

J Bauld

Signed:

Date: 3 October 2016