



Decision of the Homeowner Housing Committee

(hereinafter referred to as the Committee)

under Section 19(3) of the Property Factors (Scotland) Act 2011 (“the Act”)

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 respondent”)

HOHP Reference: HOHP/PF14/0018

Property: Flat 8, 112 Hillpark Grove, Edinburgh, EH4 7EF

Further reasons

1. In its Decision dated 6 October 2014 (“the Decision”), the Committee determined that the Factors had failed to comply with their duties as a Property Factor under Section 17(5) of the Act. The reasons for the Committee’s determination are set out in full in the Decision.
2. In terms of Section 19(2) of the Act the Committee issued a notice of proposal to make a Property Factor Enforcement Order (“PFEO”) on 6 October 2014 and allowed the parties 14 days to make representations to the Committee.
3. The applicant homeowner responded to the Decision indicating that he was content with the terms of the proposed PFEO.
4. No direct response was received from the respondent Property Factor
5. In all the circumstances, the Committee remains satisfied that the Factor has failed to comply with their duty under Section 14 of the Act and adheres to the terms of their Decision of 6 October 2014.

6. The Committee therefore issues the following Property Factor Enforcement Order:-

that within 28 days of the date of the communication to the respondent of this PFEO, the respondent must:-

1. Provide evidence to the applicant confirming how the insurer for the development was chosen and how the respondent obtained best value in the procurement of that insurance.
2. Make a payment in refund of all insurance premiums paid by the applicant for the period from 29th April 2013 to 10th February 2014.
3. Arrange to make a payment in refund of any commission paid on an insurance premium paid by the applicant for the period from 11th February 2014 to 31st October 2014.
4. Provide clear and transparent information of the method of calculation of the sum insured for property insurance for the policy.
5. Carry out all snagging works listed in paragraph 16 of the decision of 6 October 2014
6. Provide clarity with regard to the cleaning schedule for the internal common areas and the external areas of the property.
7. Refund all factoring charges paid by the applicant to the respondent; and
8. Make a payment of £500 to the applicant in compensation with regard to the respondent's continuing and continued failures to act in accordance with the Property Factors Code of Conduct and their failure to carry out their duties as property factor.

Failure to comply with the Property Factor Enforcement Order without reasonable excuse may have serious consequences and may constitute an offence under Section 24 of the Act.

Right of Appeal

The parties' attention is drawn to the terms of Section 22 of the Act regarding their right to appeal and the time limit for doing so. Section 22 provides:-

- (a) 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 Committee or a Homeowner Housing Committee; and
- (b) 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..."

.....
James Bauld

16 December 2014
.....
Date

.....
Witness, Natalie Walker

7 West George Street, Glasgow, G2 1BA

16 DECEMBER 2014
.....