



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

hohp Ref: HOHP PF/16/0018

The Property: 55/4, Bryson road, Edinburgh EH11 1DS

The Parties: –

Dr Michael Pearson residing at 37 Allan Park Crescent, Craiglockhart, Edinburgh EH14 1LF (“the homeowner”)

and

James Gibb Residential Factors, 4 Atholl Place, Edinburgh, EH3 8HT (“the factors”)

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”):

Within one month from the date of service of the PFEO to follow hereon, the factors to:

1. Amend their Written Statement of Service to ensure that it provides a clear and detailed explanation of the circumstances in which the factors will or will not be involved in pursuing insurance claims on behalf of Home Owners and of the extent of any assistance available to Home Owners where they require to pursue claims on their own behalf;
2. Ensure that a hard copy of their revised complaints procedure is issued to the HomeOwners in the development of which the property forms part; and
3. To pay the Dr & Mrs Pearson the sum of £500 from the factor’s own funds.

Section 19 of the 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 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 fourteen 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.

30-Aug-16

X

CHAIRMAN

Signed by: DAVID MICHAEL PRESTON