



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

Hohp ref: HOHP/PF/15/0021

Re: 4/1 Hawthornden Place, Edinburgh EH7 4RG (the property)

The Parties:

Ms Claire Kirbitson, 21 Brunstane Road, Edinburgh EH15 2EZ (the homeowner)

Life Property Management Limited, Regent Court, 70 West Regent Street, Glasgow G2 2QZ (the property factor)

Certificate of Compliance with Property Factor Enforcement Order dated 15 October 2015 in terms of Section 19(3) of the Property Factors (Scotland) Act 2011

Committee members: Sarah O'Neill (Chairperson), Ian Mowatt (Surveyor member).

Decision of the committee

The homeowner housing committee ('the committee'), having determined that the Property Factor Enforcement Order ('PFEO') relating to the property dated 15 October 2015 and issued on 19 October 2015 has been complied with, certifies that the property factor has complied with the PFEO.

Reasons for the decision

1. On 15 October 2015, the committee issued a PFEO requiring the property factor, within 28 days of the communication of the PFEO, to:
 - a. Issue a formal written apology to the homeowner in respect of the property factor's failure to comply with its duties under sections 6.1 of the code of conduct for property factors.
 - b. Make payment to the homeowner of the sum of £100 in recognition of the stress and inconvenience caused to her by the property factor's failure to comply with its duties under section 6.1 of the code of conduct.
 - c. Provide documentary evidence to the committee of its compliance with the above by sending such evidence to the office of the Homeowner Housing Panel by recorded delivery post.

2. Mr David Reid, Director of the property factor, wrote to the committee by recorded delivery post and by email on 28 October 2015, confirming that the property factor had complied with all of the actions required by the PFEO. With his covering letter/email, Mr Reid enclosed a copy of his letter to the homeowner dated 22 October, apologising for the failure to comply with section 6.1 of the code of conduct, and indicating that a cheque for £100 was attached in recognition of any stress or inconvenience caused.
3. The panel wrote to both parties on 17 November, asking them to confirm by 2 December 2015 whether all actions set out in the PFEO had been complied with. A response was received from the property factor on 19 November. This stated that the actions required by the PFEO had been completed. No response was received from the homeowner.
4. A reminder email was sent to the homeowner's representative on 10 December, enclosing a copy of the original letter of 17 November, which had been sent by post, asking him to confirm no later than 18 December whether the actions required by the PFEO had been completed. No response was received from the homeowner or her representative by that date.
5. On the basis of the evidence before it, and in the absence of a response from the homeowner to the compliance check, the committee is satisfied that the property factor has complied with the terms of the PFEO. It therefore issues this certificate of compliance. No further action is therefore required by the property factor in terms of the PFEO.

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. 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 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.

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>

Sarah O'Neill

Chairperson Signature .

Date 21/12/15.