



Property Factor Enforcement Order issued under Section 19 of the Property Factors (Scotland) Act 2011 (the Act") and the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012

HOHP Ref: HOHP/PF/15/0023

Re: Flat 3/1, 29 Winton Drive, Glasgow G12 0PZ ('the property')

MR JAMES MCLAREN, residing at 34 Balmaha Road, Drymen, Glasgow G63 0BY ('the homeowner')

BE FACTORED LTD (formerly Property2) 2a, North Kirklands, Eaglesham Road, Glasgow G76 0NT ('the factor')

Committee members: David M Preston (Chairman); Ms Sally Wainwright

WHEREAS in its decision dated 9 July 2015 the Committee determined that the Factor had failed to comply with the Code of Conduct for Property Factors ("the Code"); and to carry out the property factor's duties and it determined to issue a Property Factor Enforcement Order (PFE0).

The required Notice of Proposal PFE0 under Section 19 (2) of the Act was given to the parties on 10 July 2015 to allow them a period of 21 days from that date within which to make representations.

On 11 August 2015 the factor sent a revised complaints procedure to HOHP. A copy was sent to the homeowner on that date and no representations were received from him. The Committee considered the terms of the revised draft but finds that it does not addresses the specific issue which arose in this case, namey that a complaint related to the Director.

Accordingly the Committee makes the following Property Factor Enforcement Order:

Within one month from the date of sevice of this PFE0, the factor to send to: HOHP, Europa Building, 450 Argyle Street, Glasgow G2 8LH a revised Complaints Handling Procedure which specifically provides for situations where a complaint is received which relates to matters in which the factor's Director has been directly involved, and which complies with the Code of Conduct and to publish the revised procedure on their website.

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

APPEALS:

1. *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. It provides:*

"...(1) an appeal on a point of law only may be made by summary application to the Sheriff against the 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..."

Chairperson Signature :

Date.....16-9-15.....