



Proposal regarding the Making of a Property Factor Enforcement Order

**Following Upon a
Decision of the Homeowner Housing Committee
In an Application under section 17 of the Property Factors (Scotland) Act 2011
by**

Linda Clink, 30 Oak Loan, Dundee DD5 3UQ (“the Applicant”)

**Greenbelt Group Ltd, McCafferty House, 99 Firhill Road, Glasgow G20 7BE
 (“the Respondent”)**

Reference No: HOHP/PF/14/0035/0036/0037

**Re: Land at Ballumbie Castle Estate, Dundee DD5.
 (“the Property”)**

Committee Members:

John McHugh (Chairman); David Hughes Hallett and Colin Campbell (Housing Members).

This document should be read in conjunction with the Committee’s Decision of the same date.

The Committee proposes to make the following Property Factor Enforcement Order (“PFEO”):

“Within 28 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:

- 1 Make a payment to the Applicant of £600;*
- 2 Provide written confirmation of compliance with paragraph 1 above to the office of the Homeowner Housing Panel.”*

Section 19 of the 2011 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 proposed PFEO to the parties should be taken as notice for the purposes of section 19(2)(a) and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) reach the Homeowner Housing Panel's office by no later than 14 days after the date that the Decision and this proposed PFEO 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 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.

JOHN M MCHUGH

CHAIRMAN

Date: 13 May 2015