



Decision of the Homeowner Housing Committee
In an application under section 17 of the Property Factors
(Scotland) Act 2011

PROPERTY FACTOR ENFORCEMENT ORDER

Hohp ref:HOHP/PF/15/0035

Re:

9 Kirkton Drive, Burntisland, Fife, KY3 0DD ('the Property')

The Parties:

Steven Murray residing at 9 Kirkton Drive, Burntisland, Fife, KY3 0DD ('the homeowner')

Collinswell Land Management Limited, Collinswell House, Aberdour Road, Burntisland, Fife, KY3 0AE('the factor')

NOTICE TO THE PARTIES

The Homeowners Housing Committee ('the Committee'), having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the property factor's duties in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the factor has not complied with Sections 2.1; 2.5; 3.3; 3.5a; 4.9 and 7.2 of the Code of Conduct and duties of the property factor.

The Committee intimated to the parties, in terms of their said decision dated 18th August 2015, that they proposed to make a Property Factor Enforcement Order. As no timeous representations have been received from the parties in relation to the proposed Property Factor Enforcement Order the Committee make the following Property Factor Enforcement Order:

'Within 28 days of the communication to the factor of the Property Factor Enforcement Order:

- 1. The factor is required to issue a letter of apology to the homeowner. The letter must apologise to the homeowner for releasing inaccurate account information in a public forum.*

2. The factor is required to provide a full and vouched accounting for the period they were factors including: (i) an explanation of how the quarterly advance payments were spent (ii) correcting the wrongly deducted charge of £35 (iii) including any carry forward and (iv) the status of the deposit.

3. The factor must pay the homeowner £200 for the inconvenience he had suffered from their own funds and at no cost to the owners. The said sum to be paid within 28 days of the communication to the factor of the Property Factor Enforcement Order.'

Appeals

The parties' attention is drawn to the terms of section 21 of the 2011 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 a period of 21 days beginning with the day on which the decision appealed against is made.

Signed ...  ..Date 14th September 2015

Chairperson