



**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/15/0040 and HOHP/15/0115

Re: 122 Novar Drive, Glasgow, G12 9SY ('the Property')

The Parties:

Damien Donnelly residing at 122 Novar Drive, Glasgow, G12 9SY ('the homeowner')

W.M.Cumming, Turner & Watt, 40, Carlton Place, Glasgow, G5 9TS ('the factor')

Committee members:

Jacqui Taylor (Chairperson) Elizabeth Dickson (Housing Member)

NOTICE TO THE PARTIES

Whereas in terms of their decision dated 8th December 2015 the Homeowner Housing Committee decided that the factor had failed to comply with the Property Factor Code of Conduct and the duties of the Property Factor all as stated in the said decision; The Committee sent the parties a notice of their proposed PFEO also dated 8th December 2015. 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:

The Factor must:

- 1. Send the Homeowner a written apology for their delays in replying to the Homeowner's questions, poor communication and failing to keep the Homeowner properly advised within 28 days of the communication to the Factor of the Property Factor Enforcement Order*
- 2. Pay the Homeowner £200 for the inconvenience he had suffered from their own funds and at no cost to the owners. The said sums 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.

J Taylor

Signed ..

Date 11th February 2016

Chairperson