



**Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 ("the Act") following upon a Decision of the Homeowner Housing Committee in an application under Section 17(1) of the Act**

**hohp Ref:** HOHP PF/15/0042

**The Property:** Flat 1/2, 14 Walmer Crescent, Cessnock, Glasgow G51 1AT

**The Parties: –**

**Dr Jon Hand and Ms Brenda Lillicrap, both residing at the Property ("the homeowners)**

**and**

**Ross & Liddell Ltd, Registered under the Companies Acts under Number 097770 and having their Registered Office at 60, St Enoch Square, Glasgow G1 4AW ("the factors")**

**Committee Members:**

David Preston (Convener) and Carolyn Hirst (Housing Member).

**This document should be read in conjunction with the Committee's Decision under Section 19(1)(a) of the Act dated 28 March 2016.**

WHEREAS in its decision dated 28 March 2016 the Committee determined that the factors 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 (PFEO).

The required Notice of Proposal PFEO under Section 19 (2) of the Act was given to the parties on 29 March 2016 to allow them a period of 21 days from that date within which to make representations.

No representations were received from the parties within that period.

Accordingly the Committee confirmed the terms of the PFEO as outlined in the Notice dated 28 March 2016 and requires the factors:

Within one month from the date of service of this PFEO, the factors to:

1. Pay to the homeowners from their own funds the sum of £1,000 for a) compensation for the time, effort and inconvenience of attempting to resolve the ongoing difficulties and misunderstandings arising from the correspondence; and b) in recognition that additional costs were incurred by the homeowners as a result of the confusion in relation to the nature of the insurance policy since the coming into force of the Act.

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

**APPEALS:**

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..."*

05-May-16

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CHAIRMAN

Signed by: DAVID MICHAEL PRESTON