



**Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012**

**hohp Ref: HOHP/PF/16/0044**

**Re: Property at 41 Dorchester Court, 1 Dorchester Place, Glasgow, G12 (“the property”)**

**The Parties:-**

**Mrs Linda Kirk-Wilson, 41 Dorchester Court, 1 Dorchester Place, Glasgow, G12 OBS (“the Homeowner”)**

**James Gibb Residential Factors, 65 Greendyke Street, Glasgow, G1 5PX (“the Factor”)**

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

**Committee Members:**

**Patricia Anne Pryce (Chairperson); Jean Thomson (Housing Member)**

This document should be read in association with our decision dated **7 September 2016**.

In our decision, we proposed to make a property factor enforcement order.

We indicated that, prior to making such an order, we would provide the parties with a period of fourteen days within which to make representations under s19 (2) (b) of the Act.

Our decision was intimated to the parties **on 9 September 2016** by both post and email.

No response was received from either party.

Given that neither party made any further submissions to the Committee, we are of the opinion that we require to make a property factor enforcement order in the terms originally proposed by us.

Our decision is unanimous.

### **Reasons for Decision**

We consider that, having decided that the Respondent has failed to comply with its duties under section 14 of the 2011 Act, we are obliged by Section 19(3) of the Act to make a property factor enforcement order.

### **Property Factor Enforcement Order**

We hereby make the following property factor enforcement order:-

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

1. Send a letter to all of the owners in the development in which the property is situated enclosing a copy of the Development Schedule specific to the development at 1 Dorchester Place, Glasgow.
2. Provide documentary evidence to the Committee of the Respondent's compliance with the above Property Enforcement Factor Order by sending such evidence to the office of the Homeowner Housing Panel by recorded delivery post.

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

### **Appeals**

Parties' attention is drawn to the terms of Section 22 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 a 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.”

Signed..

18th October 2016

Patricia Anne Pryce

Chairperson