



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/14/0050 and HOHP/PF/14/0188

Re:

32/1, East Fountainbridge aka Earl Grey Court, Edinburgh, EH3 9BH (‘the Property’)

The Parties:

Gerrard Murray residing at 32/11 East Fountainbridge, Edinburgh, EH3 9BH (‘the homeowner’)

Myreside Management Limited, 3 Dalkeith Road Mews, Edinburgh, EH16 5GA (‘the factor’)

Committee members:

Jacqui Taylor (Chairperson), Helen Barclay (Housing Member).

This document should be read in conjunction with the Committee’s Decision under Section 19(1)(a) of the Act of the same date.

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

‘(1) The factor is required to repay the homeowner the sum of £14.48 ((£1.75 (stair cleaning)+ £5.49 (VAT on electricity account) x 2). The said sum of £14.48 to be paid from the factor’s own funds at no cost to the owners.

(2) The factor must pay the homeowner £50 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.’

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

Chairperson Signature ..

.. Date 16th March 2015