



Notice of Proposal

of

the Homeowner Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 19 (2) (a) of the Property Factors (Scotland) Act 2011

Case Reference Number: HOHP/PF/14/0076

Re : Property at 2/2, 256 Crow Road, Glasgow G11 7LA ("the Property")

The Parties:-

Mr Colin Strain and Mrs Eleanor Strain both residing at 2/2, 256 Crow Road, Glasgow G11 7LA ("the Applicants")

Ross & Liddell Limited, 60 St Enoch Square, Glasgow G1 4AW ("the Respondents")

The Committee comprised:-

Mr David Bartos	- Chairperson
Mr Colin Campbell	- Housing member

NOTICE TO THE PARTIES

Whereas in terms of its decision bearing the same date as this notice, the Homeowner Housing Committee decided that the Respondents have failed to comply with the Property Factor Code of Conduct and failed to carry out their duty to take reasonable care to arrange insurance under clause (Sixth) of the Deed of Conditions by Robert Stobo Renfrew dated 28 December 1955 and

recorded in the General Register of Sasines on 30 December 1955 all as stated in said decision; the Committee proposes to make a property factor enforcement order in the following terms:

- (1) The Respondents shall, by no later than 15 May 2015 insure the tenement at 256 Crow Road, Glasgow G11 7LA and any washing house on its yard, against loss or damage by fire, storm damage and property owners' third party liability by a policy or policies in the joint names of the proprietors of the flatted dwellinghouses in the said tenement (including the Applicants) for a sum to include the reasonable cost of reinstatement or rebuilding of the said tenement and any washing house (including the whole of the parts of the tenement owned in common by the proprietors of the dwellinghouses), with the said policy of insurance being endorsed with the interest of any bondholder or standard security holder interested in any such dwellinghouse primo loco and the proprietor thereof in reversion;
- (2) In arranging the insurance under paragraph (1), the Respondents shall, in assessing the reasonable cost of reinstatement or rebuilding of the said tenement, obtain assistance and advice from a suitably qualified chartered surveyor;
- (3) The Respondents shall, by no later than 2 weeks of the insurance cover in terms of paragraph (1) above coming into force, issue to the Applicants an insurance certificate or certificates certifying that such insurance has been put into force.
- (4) The Respondents shall, by no later than 5 weeks from the notification of this Order provide to the Applicants information showing in respect of the periods from May 2013 to May 2015 :
 - (a) the premiums paid by the Respondents under their block common insurance policies for that period covering all developments insured by them;
 - (b) the part of those premiums that was allocated to the said tenement;
 - (c) how that part has been allocated to the owners of the individual dwellinghouses in the tenement, including the Applicants;
 - (d) the *cumulo* sum insured for the tenement as a whole under said insurance policies;
- (5) The Respondents shall, by no later than 5 weeks from the notification of this Order inform the owners of dwellinghouses in the said tenement, including the Applicants, of the frequency with which property revaluations will be undertaken for the purposes of the insurance mentioned in clause (Sixth) of the said Deed of Conditions (referred to as clause (Fifth) in titles under the Land Register of Scotland);

(6) The Respondents shall, by no later than 5 weeks of the notification of this Order issue to the Applicants an amended Service Level Agreement which incorporates a written statement of services under section 1.1a of the Code of Conduct for Property Factors under the Property Factors (Scotland) Act 2011 in which -

(a) the services provided as core services and those not provided as core services are clearly identified;

(b) the core services are stated to include the arrangement of insurance for the said tenement in terms of clause (Sixth) of the said Deed of Conditions (referred to as clause (Fifth) in titles under the Land Register of Scotland);

(c) the paragraph on page 6 of the existing Service Level Agreement (September 2014) beginning with the words "Please note" is deleted and substituted with -

"and

- a statement of the frequency with which revaluations of the said tenement are to be carried out for the purposes of buildings insurance,
- that this frequency may be adjusted if instructed by the appropriate majority of homeowners in the tenement, and
- how the fees and charges for such revaluations are to be calculated and notified"

(d) on page 10 at the foot of said Service Level Agreement there is the following statement:

"If you remain dissatisfied, and consider that there has been a breach of the Property Factor Code of Conduct or any other property factor's duty relating to insurance, there is the option of lodging a complaint in writing with the Homeowner Housing Panel whose contact details are set out above."

(7) within two weeks of the notification of this Order pay to the Applicants the sum of one hundred and twenty-five pounds sterling (£ 125.00).

(8) The Respondents shall, by no later than 5 weeks of the notification of this Order issue on their website and issue to the Applicants an amended Complaints Procedure in which -

(a) on page 3 immediately after the words "www.financial-ombudsman.org.uk" there is the following paragraph:

"If you remain dissatisfied, and consider that there has been a breach of the Property Factor Code of Conduct or any other property factor's duty relating to insurance, there is the option of lodging a complaint in writing with the Homeowner Housing Panel whose contact details are set out above."

(b) on page 3 immediately after the words "Warrington WA4 9FE" is the following paragraph:

"If you remain dissatisfied, and consider that there has been a breach of the Property Factor Code of Conduct or any other property factor's duty relating to surveying and commercial services, there is the option of lodging a complaint in writing with the Homeowner Housing Panel whose contact details are set out above."

Both Applicants and Respondents are invited to make representations to the Committee on this Notice of Proposal and the decision accompanying it. The parties must make such representations in writing to the Homeowner Housing Panel by no later than 14 days after the notification to them of this Notice.

Signed 17 April 2015
David Bartos, Chairperson