



## **Property Factor Enforcement Order**

of

**the Homeowner Housing Committee**

(Hereinafter referred to as "the Committee")

Under Section 19 (3) of the Property Factors (Scotland) Act 2011

Case Reference Number: HOHP/PF/14/0086

**Re : Property at 51 Bannermill Place, Aberdeen AB24 5EB ("the Property")**

**The Parties:-**

**Julie Thomson, 51 Bannermill Place, Aberdeen AB24 5EB ("the Applicant")  
represented by Alastair Graham, 2 Marine Place, Ferryhill, Aberdeen AB11  
7RZ**

**Select Property Management Services (Aberdeen) Limited (company  
number SC402142), 28 Broad Street, Peterhead, Aberdeenshire AB42 1BY  
("the Respondent")**

### **NOTICE TO THE PARTIES**

Whereas in terms of their decision dated 13 March 2015, the Homeowner Housing Committee decided that the Respondent has failed to comply with the Property Factor Code of Conduct all as stated in said decision; the Committee make a property factor enforcement order in the following terms:

- (1) The Respondent shall within two weeks of the notification of this Order provide the Applicant with a copy of all annual statements of account for

the Bannermill development, of which the Property forms part, from 1 July 2011 to 30 June 2013 or such later date up to the end of 2013;

- (2) The Respondent shall within two weeks of the notification of this Order provide the Applicant with the name, address and contact details of the accountant who produced or verified the statements of account mentioned in part (1) of this Order;
- (3) The Respondent shall within two weeks of the notification of this Order provide the Applicant with copies of all monthly Bannermill Residents Association bank statements from January 2013 to February 2014 with personal information relating to individuals but not relating to companies or other businesses redacted;

#### **Further Reasons**

These reasons are further to those in the decision of 13 March 2015. The Committee have taken account of the e-mail from the Applicant's representative dated 9 April 2015 indicating that no response has been received from the Respondent to the Notice of Proposal mentioned in the decision. They have also taken account of the e-mail from the Applicant to the Respondent dated 5 April 2015 which was copied to them. That e-mail responded to the Respondent's e-mail to the Applicant dated 19 March 2015 which enclosed an invoice, a credit note, and a statement of account setting off the latter against the former.

As the Applicant observed in her e-mail to the Respondent, these items in no way address the requirements in the Notice of Proposal. The Committee have not received any communication from the Respondent in response to the Notice. Neither party has commented on the terms of the proposed Property Factor Enforcement Order. In all the circumstances the Committee adhere to the terms of their decision and make the above Order.

The parties are given a right of appeal on a point of law against this decision and Order by means of a summary application to the Sheriff made within 21 days beginning with the date when this decision is made. All rights of appeal are under section 22(1) of the Act.

**The Respondent is reminded that should the Committee decide that that the Respondent has failed to comply with this Order, failure to comply with the Order without reasonable excuse is a criminal offence under section 24 of the Act rendering the Respondent liable on summary conviction to a fine not exceeding level 3 on the standard scale.**

Signed .....

..... 17 April 2015

David Bartos, Chairperson