



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/14/0098

Re : Property at 146 Bannermill Place, Aberdeen AB24 5EG ("the Property")

The Parties:-

**Alice Hepburn, 146 Bannermill Place, Aberdeen AB24 5EG ("the Applicant")
represented by Robert Hepburn, 33 Charlotte Street, Helensburgh, West
Dunbartonshire G84 7SE**

**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 6 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 proposes to make a property factor enforcement order in the following terms:

- (1) The Respondent shall within three weeks of the notification of this Order provide to the Applicant
 - (a) full comparative details of the two quotations for the insurance policy in place for the Bannermill development, Aberdeen as at 3 November 2013 and

- (b) written reasons why the Respondent chose to place the insurance with Royal Sun Alliance rather than the other insurer who had provided the brokers CIS with a quotation for the insurance;
- (2) The Respondent shall within two weeks of the notification of this Order advise the Applicant in writing the balance on the Bannermill Residents' Association account on or about 30 September 2013;
- (3) The Respondent shall within two weeks of the notification of this Order advise the Applicant in writing of why its answer to question BB8 in Ms Stevens' e-mail to the Applicant of 15 November 2013 is contradicted by its answer in the e-mailed group communication of Ms Stevens to the Bannermill Owners Action Group of 13 February 2014.
- (4) 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 from 1 July 2011 to 30 June 2013 or such later date up to 3 November 2013.
- (5) The Respondent shall within two weeks of the notification of this Order provide the Applicant with a copy of the contract the Respondent entered into in the summer of 2011 bearing to appoint the Respondent as factor for the Bannermill development.
- (6) The Respondent shall within two weeks of the notification of this Order provide the Applicant with a written apology signed by its director or directors in the following terms:
- “The Respondent apologises unreservedly to the Applicant and her representative Mr Robert Hepburn for -
- (a) failing to provide the information or advice to the Applicant as set out in parts (1) to (5) of this Order and in particular the copies of the statements of account;
 - (b) in taking over three months to advise them of the total factor's float monies collected and the total number of Bannermill owners who had not contributed the full £ 300 contribution requested,
 - (c) giving a false or misleading reason for not immediately advising of the said factor's float monies and the total number of non-contributing owners,
 - (d) giving a false or misleading reason for not advising the Applicant of the balance on the Bannermill Residents' Association account on or about 30 September 2013;

- (e) giving a false or misleading answer on 15 November 2013 to the Applicant's question BB8 which had been asked on or about 3 November 2013;
- (f) purportedly enclosing its statements of account in its e-mail of 15 November 2013 to the Applicant when they were not enclosed and thereafter seeking to excuse their non-production by claiming that they were being prepared or verified by an independent firm of accountants but providing no independent evidence that they were being so prepared;
- (g) producing a four page document bearing to have been signed on 1 July 2011 but with pages 1 to 3 of it having been substituted at a subsequent date, not disclosing this to the Applicant or Mr Hepburn and thereby misleading them."

Both Applicant and Respondent 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.

Signed6 March 2015
David Bartos, Chairperson