



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 reference: HOHP/PF/14/0101

Re: 2/1, 9 Dunearn Street, Glasgow G4 9ED (‘the property’)

The Parties:

Mr Neil Patel, Flat 3, 8 Great Western Terrace, Glasgow, G12 0UP (‘the homeowner’)

Walker Sandford, St George’s Buildings, 5 St Vincent Place, Glasgow G1 2DH (‘the property factor’)

The Homeowner Housing Committee: Martin McAllister, legal member and Colin Campbell, housing member.

Whereas in its Decision dated 25th November 2015 the Committee determined that the property factor had failed to comply with the Code of Conduct for Property Factors and had failed to carry out the property factor’s duties, and it determined to issue a property factor enforcement order (PFEO) and the required notice of the proposed PFEO was given to parties in terms of Section 19(2) of the Act and neither party having made representations now therefore the Committee hereby makes the following property factor enforcement order:

That within twenty eight days of service of the property factor enforcement order, the property factor confirms in writing to the Committee that relevant staff have been trained in the complaints process as set out in the property factor’s written statement of services and that appropriate robust internal processes are in place to ensure that complaints and other communications from homeowners are dealt with in accordance with the timescales set out in the written statement of services.

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

Appeals

Parties' attention is drawn to the terms of Section 22 of the Act regarding the 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 the decision of the president of the homeowner housing panel or a homeowner housing committee.

(2) an appeal against subsection (1) must be made within the period of 21 days beginning with the day on which the decision appealed against is made”

(3) The decision of the sheriff under this section is final.”



Martin J. McAllister Chairperson

28th January 2016