



**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 reference: HOHP/PF/14/0111**

**Re: 78 Belmont Drive, East Kilbride G75 8HD(‘the property’)**

**The Parties:**

**Mrs Anna Goudarzi, 2 Bellflower Grove, East Kilbride G74 4TB (‘the homeowner’)**

**South Lanarkshire Council, Housing and Technical Resources, Almada Street, Hamilton ML3 0AA (‘the property factor’)**

**Decision by a committee of the Homeowner Housing Panel in an application under section 17 of the Property Factors (Scotland) Act 2011(‘the Act’)**

**Committee members:**

**George Clark (chair), Richard Burnett (surveyor member) and Scott Campbell (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”):**

**“Within 4 weeks of the communication to the property factor of the PFEO, the property factor shall (1) send a written apology to the homeowner for its failure to take steps to confirm with her that she had agreed with Ailsa Building Contractors Limited the works to be carried out in her property and that the**

**works had been completed (2) conduct a review of its policy and procedures for dealing with claims by homeowners for compensation and to make such changes to those policies and procedures as are necessary to ensure they comply with the requirements of Section 7.2 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors”.**

Section 19 of the 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 22/5/2015....