



**Certificate of the Homeowner Housing Committee issued under the  
Homeowner Housing Panel (Applications and Decisions)(Scotland)  
Regulations 2012**

**Reference: HOHP/PF/15/0113**

**Property: Flat 2/3, 28 Sword Street, Dennistoun, Glasgow G31 1TD ("the Property")**

**The Parties:-**

**Mr Michael Wood, residing at the Property ("the Homeowner")**

**and**

**Charles White Limited, Citypoint, 65 Haymarket Terrace, Edinburgh, EH12 5HD ("the  
Factors")**

**Certificate of Compliance with Property Factor Enforcement Order dated 13 April 2015  
in terms of s 19(3) of the Property Factors (Scotland) Act 2011**

**Committee Members:**

Maurice O'Carroll (Chairman)  
Sally Wainwright (Housing Member)

**Decision of the Committee**

The Homeowner Housing Committee, having determined that the Notice of Property Factor Enforcement Order ("PFEO") relating to the Property dated 30 December 2015, issued following a decision of the Committee of even date has been complied with, certifies that the Factor has complied with the PFEO.

**Reasons for the decision**

1. By decision dated 30 December 2015, the Committee determined that the Factors had breached its duties in terms of s 17(1)(b) of the 2011 Act in that it had failed to comply with sections 2.1, 2.5, 5.4 and 6.1 of the Code of Conduct for Property Factors all as further specified within the said decision, as required by s 14(5) of that Act. It issued a Notice of PFEO on the same date.
2. Having allowed the parties an opportunity to give representations to the Committee in relation to the Notice of the PFEO, and having received none, the terms of the PFEO required the Factor within 28 days of the date of the communication of it to:

- i. Make payment to the Homeowner of the sum of £150 in recognition of the trouble and inconvenience that the Factors' breaches of the Code and factor duties have caused to the Homeowner; and
  - ii. Provide documentary evidence of compliance to the Homeowner Housing Panel with the above Orders within 7 days of having done so by recorded delivery post.
3. By letter dated 18 January 2016, the Factors wrote to the Committee confirming that they had sent a cheque on that date for £150, together with a copy thereof to the Homeowner further to the above Order.
4. The Committee is satisfied that the Factors have complied with the terms of the PFEO. It therefore issues this certificate of compliance. No further action is therefore required by the Factors in terms of the PFEO.

### **Right of Appeal**

The parties' attention is drawn to the terms of s 22 of the 2011 Act regarding their 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 a decision of the president of the Homeowner Housing Panel or a Homeowner Housing Committee;
- (2) An appeal under subsection (1) must be made within the period of 21 days beginning with the date on which the decision appealed against is made.

More information regarding appeals can be found in the information guide produced by the Homeowner Housing Panel. This can be found on the Panel's website at:

<http://hohp.scotland.gov.uk/prhp/2649.325.346.html>

M O'Carroll

**Signed:**

Chairperson

**Date:** 30 January 2016