



**Decision of the Homeowner Housing Committee
in an application under section 17 of the Property Factors
(Scotland) Act 2011**

PROPERTY FACTOR ENFORCEMENT ORDER

Case Reference Number: HOHP/14/0133

Re:

21 Homeshaw House, Broomhill Gardens, Newton Mearns, G77 5HP ('the Property')

The Parties:

Miss Elizabeth Patterson residing at 21 Homeshaw House, Broomhill Gardens, Newton Mearns, G77 5HP ('the homeowner')

Bield Housing and Care, Craighall Business Park, 7 Eagle Street, Glasgow, G4 9XA ('the factor')

NOTICE TO THE PARTIES

Whereas in terms of their decision dated 31st May 2015, the Homeowner Housing Committee decided that the factor had failed to comply with the Property Factor Code of Conduct and the duties of the Property Factor all as stated in the said decision; The Committee sent the parties a notice of their proposed PFE0 also dated 31st May 2015. Thereafter the factor sent the Committee a letter dated 28th July 2015 advising that a full (re)investigation of the homeowner's complaint had been undertaken. They provided details of the outcome of the investigation. The homeowner subsequently wrote to the Committee, her letter was received on 4th August 2015 and the homeowner's representative also wrote to the Committee on 5th August 2015. The homeowner advised that she agreed with the decisions reached by the factors in their investigation and clarified some factual discrepancies. The Committee sent the parties a notice of the proposed amended PFE0 dated 13th August 2015. As no timeous representations have been received from the parties in relation to the proposed amended Property Factor Enforcement Order the Committee make the following Property Factor Enforcement Order:

(1) The factor is required to send the homeowner a written apology for their failings in the way they handled the homeowner's original complaint.

(2) The factor must pay the homeowner £200 for the inconvenience she had suffered from their own funds and at no cost to the owners. The said sums to be paid within 28 days.

Appeals

The parties' attention is drawn to the terms of section 21 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 homeowner housing committee.
- (2) An appeal under subsection (1) must be made within a period of 21 days beginning with the day on which the decision appealed against is made.

Signed .

.. Date 11th September 2015

Chairperson