



Decision by a Committee of the Homeowner Housing Panel in respect of an application under section 17 of the Property Factors (Scotland) Act 2011 ("the Act") and issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012

hohp Ref: HOHP/LM/15/0159

Re: Property being woodland at Clayhills Grove, Balerno, Midlothian, EH14 7NE (" the Property ")

The Parties:-

Mr Anthony J.E. Macfarlane residing at 10, Clayhills Grove, Balerno, Midlothian, EH14 7NE ("the homeowner")

Trinity Factoring Services Limited, 209/211, Bruntisfield Place, Edinburgh, EH10 4DH ("the factor"), hereinafter together referred to as "the parties"

Committee Members

Karen Moore (Chairperson)

Elizabeth Dickson (Housing Member)

Decision

The Committee having determined that the factor had failed to comply with Section 6 (Carrying out repairs and maintenance) at paragraph 6.4 and accordingly having breached the Code, determined to issue a Property Factor Enforcement Order ("PFEO").

Proposed PFEO

1. In accordance with Section 19 (3) of the Act, having been satisfied that the Factor has failed to comply with the terms of s 14(5) of the Act the Committee must make a PFEO. In order to comply with Section 19(2) of the Act, the Committee before proposing an order must give notice of the proposal to the factor and must allow the parties to give representations to the Committee. The intimation of this decision to the Parties should be taken as notice in terms of Section 19(2)(a) of the Act and the

Parties are hereby given notice that should they wish to make any representations in relation to the Committee's proposed property factor enforcement order that they must be lodged with the Homeowner Housing Panel within 14 days of the date of this Decision. If no representations are made, the Committee will proceed to make the order as proposed. If representations are made, they will be considered by the Committee prior to the making of any order.

2. The Committee propose to make the following property factor enforcement order:

"No later than [date 21 days from date of Order], the factor must prepare a programme of works for the Property, issue this to the homeowner and the other owners in the Development and must seek the instructions of all of the owners in the Development in respect of carrying out any works specified in the programme of works.

In addition, no later than [date 21 days from date of Order], the factor must send a letter of apology to the homeowner and make payment of £100.00 to the homeowner in compensation for the inconvenience and upset caused to him."

Appeals

3. The parties' attention is drawn to the terms of Section 22 of the 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..."

Chairperson

Date 27 May 2016.