



Property Factor Enforcement Order

hohp Ref: HOHP/PF/13/0235

Re: Property at Flat 1/2, 91 Sanda Street, Glasgow, G20 8PT (collectively "the Property")

The Parties:-

Mrs Urmila Malhotra, 251 Great Western Road, Kelvinbridge, Glasgow, G4 9EG ("the Applicant")

Walker Sandford, 5 St Vincent Place, Glasgow, Glasgow, G1 2DH ("the Respondent")

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

Committee Members:

Maurice O'Carroll (Chairman) and Brenda Higgins (Housing Member)

This Notice should be read in conjunction with the Decision dated 31 March 2014 under reference HOHP/PF/13/0235

1. By decision of 31 March 2014, the Committee determined that the Respondent had breached its duties in terms of s 17(1)(b) of the 2011 Act in that it had failed to comply with sections 2.2, 3.2, 4.3, 4.8, 4.9 and 7.2 of the Code of Conduct for Property Factors as required by s 14(5) of that Act.
2. In accordance with s 19(3) of the 2011 Act, having been satisfied that the respondent has failed to carry out the property factor duties, the Committee must make a Property Factor Enforcement Notice.
3. Pursuant to s 19(2) of the Act, the Committee gave notice of the proposed Property Factor Enforcement Order to the parties and allowed them an opportunity to give representations to the Committee. It did so on 31 March 2014.
4. No representations having been received by the Committee in terms of s 19(2)(b) of the Act, the Committee therefore determined to issue the following Property Factor Enforcement Order:

Within 28 days of the communication to the respondent of the Property Factor Enforcement Order, the respondent must:

1. Issue an apology to the Applicant in respect of the Respondent's various failures which amounted to breaches of the Code, in particular addressing the levels of distress and inconvenience this has caused the Applicant and her husband.
2. Make a payment to the Applicant of the sum of £250 in recognition of the distress and upset the breaches of the Code has caused to the Applicant and her husband over the last four years and to compensate the Applicant for the unjustified legal action taken against her in respect of the Notice of Potential Liability and Sheriff Court proceedings.
3. Make a payment to the Applicant of the sum of £173.61 in respect of the float refund and unpaid expenses due following proceedings in Glasgow Sheriff Court, under deduction of legitimate sums due for past factoring services.
4. Remove all charges on the Applicant's account and provide to her a final account showing a nil balance due by the Applicant.
5. At its own expense, carry out all steps necessary to draft and register with the Registers of Scotland a non-statutory discharge or letter in unambiguous terms discharging in full the alleged obligation underlying the extant Notice of Potential Liability registered against the Applicant's property.
6. 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.

6. Appeals

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..."

Maurice O'Carroll

Signed
Chairperson

Date 15 April 2014