



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

HOHP reference: HOHP/PF/13/0331

Re: Property at 17 Eden Bank, Arbroath Road, Dundee, DD4 6EN ("the property")

The Parties:

Mr Fraser Smith, 17 Eden Bank, Arbroath Road, Dundee, DD4 6EN ("the homeowner")

H & H Properties, 71 Blackness Road, Dundee, DD1 5PD ("the property factors")

Certificate of Compliance with Property Factor Enforcement Order dated 12th January 2015 in terms of Section 19(3) of the Property Factors (Scotland) Act 2011.

1. That, in terms of its decision of 10th September 2014, the committee found that the property factors had failed to comply with the Property Factors code of conduct and had failed to meet the property factors' duties as required by the Act, all as stated in the committee's decision. The committee made a Property Factor Enforcement Order ("PFE0") in the following terms:
 - (i) Within 28 days of notification of this order, the property factors must:
 - (ii) Issue a written apology to the homeowner for their failure to comply with sections 1, 2.2, 2.3, 2.4, 2.5, 3.3, 4.4, 4.6, 4.7 5, 6.1, 6.2, 6.4, 7.1 and 7.2 of the code of conduct and for their failure to meet the property factors duties as required by the Act.
 - (ii) Make a payment to the homeowner of £576 in recognition of the inconvenience which the homeowner has experienced and by way of compensation for a failure to provide an adequate service between November 2012 and March 2014. Provide to the homeowner details of current arrangements for dealing with out of hours emergencies including how to contact out of hours contractors.
 - (iii) Provide to the homeowner a clear statement of how service delivery and charges will be affected if one or more homeowner does not fulfil their obligations.

2. That, by email of 19th November 2014 to the HOHP, the homeowner attached completed compliance check form. Therein, the homeowner confirmed that the property factors had completed the actions required in the PFEO. The homeowner confirmed that he wanted the committee to consider a variation or revocation of the PFEO.
3. That, by email of 11th December 2014 to the HOHP, the property factors attached completed compliance check form. Therein, the property factors confirmed that the actions required in the PFEO had been completed. The form, signed by the property factors' Financial Consultant, George A. Godsmann, provided confirmation that the property factors wanted the committee to consider a variation or revocation of the PFEO.
4. That, against this background, the committee is satisfied that the actions required in the PFEO have been completed in light of the terms of parties' compliance check forms.

Committee Members:-

Simone Sweeney (Chairperson)

Mike Scott (Housing Member)

Simone Sweeney

Signed

Chairperson

Dated 15/01/2015