



Proposed Notice of Property Factor Enforcement Order

HOHP reference: HOHP/PF/15/0088

Re: Strategic areas of landscaping within the Hopefield (Bonnyrigg) Development, Midlothian, EH19 3DH

The Parties:-

Mr Yodi Sprott, residing at 11 Littlewood Grove, Bonnyrigg, Midlothian, EH19 3DH ("the Homeowner")

And

Scottish Woodlands Limited, having a place of business at 2 Roddinglaw Court, Roddinglaw Business Park, Roddinglaw Road, Edinburgh, EH12 9DB ("the Factor")

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

This Notice should be read in conjunction with the Decision dated 24th December 2015 under reference HOHP/PF/15/0088

Committee Members:

Andrew Cowan (Chairperson)

David Hughes Hallet (Housing Member)

1. By decision of 24th December 2015 the Committee have determined that the Factor has breached their duties in terms of Section 19(1) of the Act in that they have failed to comply with Sections 2.5 and 3.3 of the Code of Conduct for Property Factors as required by Section 14(5) of the Act, all as further specified in that decision.
2. In accordance with Section 19(3) of the 2011 Act having been satisfied that the Factor has failed to comply with the Code of Conduct, and having further been satisfied that the Factor has also failed to comply with the Property Factor's duties, the Committee must make a Property Factor Enforcement Order ("PFEО"). Before making an 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 an opportunity to give representations to the Committee.

3. The intimation of this notice of PFEO to the parties should be taken as a Notice for the purposes of Section 19(2)(a) and the parties are hereby given notice that they should ensure that any written representations which they wish to make under Section 19(2)(b) reach the Homeowner Housing Panel by not later than 14 days after the decision is intimated to them.
4. If no representations are received within that timescale then the Committee will proceed to make a PFEO in the following terms without seeking further representations from the parties.
5. Therefore the Committee propose to make the following PFEO.

By not later than Friday 12 February 2016, the Factor must:-

- (a) provide to the Homeowner a reasonable breakdown of the charge made to the Homeowner, for maintenance of the common spaces at the development in which the Homeowner's property is situated, in relation to the period from 1 April 2014 to 31 March 2015; and
- (b) a Director of the Factor shall issue a letter of apology to the homeowner in relation to the Factor's failure to respond to the enquiries and complaints issued by the Homeowner, and the failure of the Factors to comply with their own customer care complaints procedure in relation to those complaints.

Right of Appeal

6. The parties' attention is drawn to Section 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 21 days beginning with the date on which the decision appealed against is made..."

Signed ...
Andrew Cowan, Chairperson

Date 24/12/2015