



**Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 (“the Act”) following upon a Decision of the Homeowner Housing Committee in an application under Section 17(1) of the Act**

**HOHP reference: HOHP/PF/16/0022**

**Re: Flat 33, Falcon House, 91 Morningside Road, Edinburgh EH10 4AY (‘the property’)**

**The Parties:**

**Mrs Ethel Thomson, residing at Flat 33, Falcon House, 91 Morningside Road, Edinburgh EH10 4AY (‘the homeowner’);**

**and**

**Places for People Scotland, incorporated in Scotland (Company registration Number 278428) and having its Registered Office at 1 Hay Avenue, Edinburgh EH16 4RW (‘the property 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’)**

**Committee members:**

**George Clark (chair) and Mary Lyden (housing member)**

**This document should be read in conjunction with the Committee’s Decision under Section 19(1)(a) of the Act of the same date.**

The Committee proposes to make the following Property Factor Enforcement Order ("PFEO"):

**"Within 4 weeks of the communication to the property factor of the PFEO, the property factor shall (1) amend the Complaints Procedure section of the Castle Rock Edinvar Housing Association website to state that a homeowner not satisfied with the outcome or with the way in which a complaint has been dealt with has the right to make an application to the Homeowner Housing Panel, (2) provide the homeowner with a written apology for the property factor's failure to acknowledge receipt of 2 letters sent by the homeowner to its managing director and for the incorrect statement made by Angela Kirkwood in her letter to the homeowner dated 21 April 2015 regarding the application of increased charges for window cleaning, (3) undertake a review of its processes and confirm having carried out such staff training as it regards as being necessary to ensure that accounting errors are kept to an absolute minimum and (4) pay to the homeowner the sum of £100 by way of compensation for the inconvenience and distress caused by the property factor's failure to comply with the Code."**

Section 19 of the Act provides as follows:

*"... (2) In any case where the committee proposes to make a property factor enforcement order, they must before doing so...*

*(a) give notice of the proposal to the property factor, and*

*(b) allow the parties an opportunity to make representations to them.*

*(3) If the committee are satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, the committee must make a property factor enforcement order..."*

The intimation of the Committee's Decision and this notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the Homeowner Housing Panel's office by no later than 14 days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the Committee is likely to proceed to make a property factor enforcement order ("PFEO") without seeking further representations from the parties.

**Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.**

Chairperson Signature : G Clark

Date: 5 September 2016