



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

HOHP reference: HOHP/PF/13/0033

Re: Property at Flat G2, Mount Zion Church, Church Road, Quarriers Village, Bridge of Weir, PA11 3TD ("the Property")

The Parties:-

Forrest, residing at Flat G2, Mount Zion Church, Church Road, Quarriers Village, Bridge of Weir, PA11 3TD ("the Homeowner")

And

Property 2 Limited, having a place of business at 2 North Kirklands, Eaglesham Road, Glasgow, G76 0NT ("The Factor")

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

This document should be read in association with our decision dated 23 December 2013.

In our decision, we proposed to make a Property Factor Enforcement Order.

We indicated that prior to making such an order, we would provide the parties with a period of twenty one days within which to make representations under Section 19(2)(b) of the Act.

Our decision was intimated to the parties on 23 December 2013.

No representations have been received from either party as at 14 January 2014.

Give the above, we are of the opinion that we require to make a Property Factor Enforcement Order in the terms originally proposed by us.

Our decision is unanimous.

Reasons for decision

Having decided that the Factor has failed to comply with its duties under Section 14 of the Act, we are obliged by Section 19(3) of the Act to make a Property Factor Enforcement Order.

Property Enforcement Order

1. We hereby make the following Property Enforcement Order:-

Within 6 weeks from the date of issue to the Factor of the Property Factor Enforcement Order, the Factor must:-

- (i) provide to the Homeowner a written Statement of Service which is compliant in all respects with the requirements of Section 1 (written Statement of Services) of the Code of Conduct for Property Factors;
- (ii) provide the Homeowner with a detailed financial breakdown of any outstanding sums which the Factor claims are now due to the Factor in respect of services already provided to the Homeowner in doing so the Factor should ensure that it is clear from the information provided to the Homeowner that the information supplied is sufficient and such that the Homeowner is able to identify what it is they are being asked to pay for, how the charges are calculated and to so that the Homeowner can ensure that no improper payment requests are involved.
- (iii) provide documentary evidence to the Committee of the Factor's compliance with the above Property Factor Enforcement Order by sending such evidence to the Office of the Homeowner Housing Panel by recorded delivery post.

Failure to comply with an Enforcement Order may have serious consequences and may constitute an offence.

Right of Appeal

2. 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. Section 22 provides:-

- (a) 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 Committee or a Homeowner Housing Committee; and
- (b) an appeal under subsection (1) must be made within the period of 21 days beginning with the day on which the decision appealed against is made..."

Signed .
Andrew Stewart, Chairman

Date. 24/1/14.....