



Notice of proposal to make a Property Factor Enforcement Order 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 Ref: HOHP PF/14/019

Re: Property at Flat 2/2, 665 Cumbernauld Road, Alexandra View, Glasgow G33 2EA

The Parties

MISS DEBORAH SCOTT, residing at the Property (‘the Homeowner’)

and

Be-Factored Ltd (formerly Property2 Ltd), 2a North Kirklands, Eaglesharn Road, Glasgow G76 0NT (‘the Factors’)

Committee members: David Preston (Chairman); and Susan Napier (Surveyor Member).

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

The Committee proposes to make the following Property Factor Enforcement Order (“PFEO”):-

Within **one month** of the date of service of the PFEO to follow on this Notice, the Factors will::

1. Provide the Homeowner with a copy of the invoice from MRH Electricals relative to that firm’s visit to the development to confirm the block in respect of which the visit was made. In the event that the invoice either: confirms that the visit was to 661 Cumbernauld Road; or is inconclusive as to which block was visited, the

Factors will refund to the Homeowner in full the amount of that invoice attributable to the Property.

2. Provide the Homeowner with the tracking information from Simply Gardening to confirm the visits that firm made to the Property.
3. Provide to the Homeowner, a detailed explanation of the calculation of the discrepancy in the Scottish Power accounts as between Blocks 661 and 665 Cumbernauld Road along with an explanation for the difference between the amounts of the underpayment by Block 661 and the overpayment by Block 665.
4. Pay to the Homeowner a sum to equivalent to 25% of the management fees paid by the Homeowner between the date on which the Factors took on responsibility for the management of the development at Alexandra View until the date on which the Factors refunded the overpayment of electricity charges to the Homeowner. The said sum to be paid from the Factors' own funds and at no cost to the homeowners.
5. The sum of £200 by way of compensation, to the Homeowner for the inconvenience, stress and anxiety occasioned to her as a result of her efforts throughout her period of ownership of the Property. The said sum to be paid from the Factors' own funds and at no cost to the homeowners.

Section 19 of the 2011 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 21 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-

... Date..7-6-15.....