

**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/12/0014 39 Waverley Park, Kirkintilloch, Glasgow, G66 2BL
&
HOHP/PF/12/0017**

The Parties:-

**Mr Tony Mackle, 39 Waverley Park, Kirkintilloch, Glasgow, G66 2BL (whose authorised
representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch) ("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/12/0014 and hohp/pf/12/0017)

b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/12/0014 and hohp/pf/12/0017) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

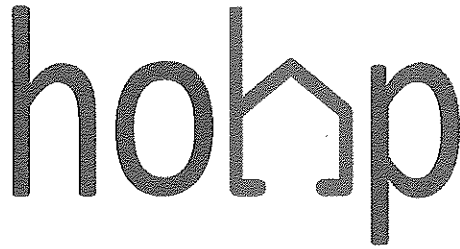
Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Jim Bauld

Signed
Chairperson

..... Date...31....July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0154
&
HOHP/PF/13/0228**

118 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Paul Glancy, 118 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

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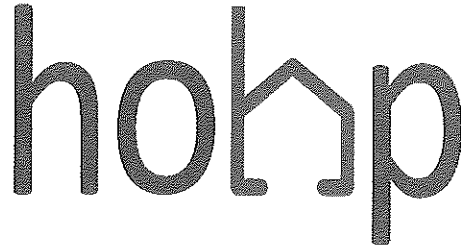
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the ~~sisted~~ applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the ~~sist~~ granted in respect of the applicant's two applications (hohp/lm/13/0154 and hohp/pf/13/0228)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0154 and hohp/pf/13/0228) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0153
&
HOHP/PF/13/0227**

116 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr David Brown, 116 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

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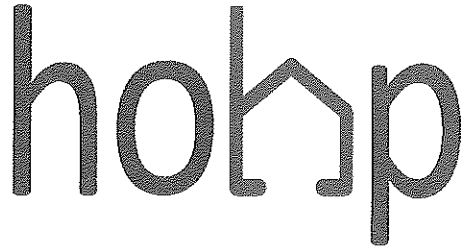
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11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0153 and hohp/pf/13/0227)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0153 and hohp/pf/13/0227) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

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Signed
Chairperson

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0152
&
HOHP/PF/13/0226**

114 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mrs Gillian Cameron, 114 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

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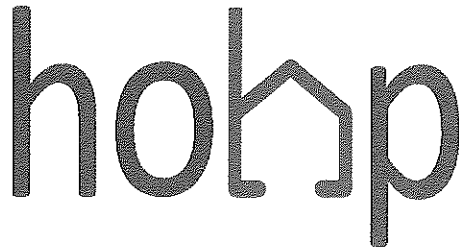
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- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0152 and hohp/pf/13/0226)
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Signed ...
Chairpers

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0151
&
HOHP/PF/13/0225**

112 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Garry Simpson & Mrs Christine Simpson, 112 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

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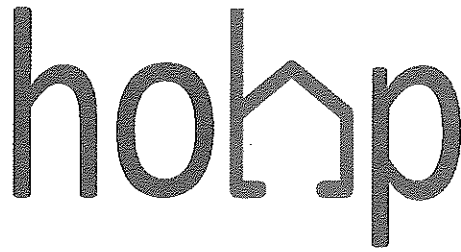
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**Decision of the Homeowner Housing Committee issued under
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applications**

**HOHP/LM/13/0150
&
HOHP/PF/13/0224**

108 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mrs Kerry Thomson, 108 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
(“the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

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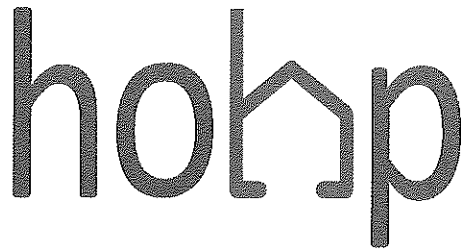
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**Decision of the Homeowner Housing Committee issued under
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(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0149
&
HOHP/PF/13/0223**

106 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr James McNamee & Mrs Helen McNamee, 106 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gurnley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

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Ann McDonald (Housing Member)**

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3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

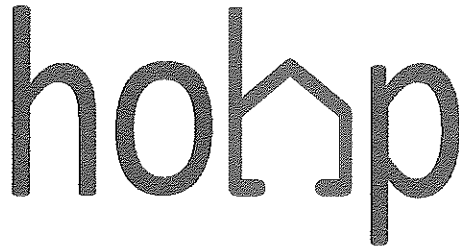
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0149 and hohp/pf/13/0223)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0149 and hohp/pf/13/0223) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson.

..... Date 31 July 2014



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0148
&
HOHP/PF/13/0222**

104 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Paul Webb, 104 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

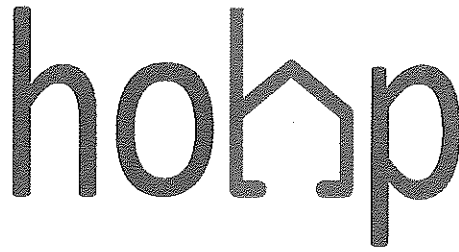
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0148 and hohp/pf/13/0222)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0148 and hohp/pf/13/0222) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairpersc

..... Date. 31 July 2014.....



Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 in respect of the undernoted applications

**HOHP/LM/13/0147
&
HOHP/PF/13/0221**

102 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Dhinakar Subramani, 102 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

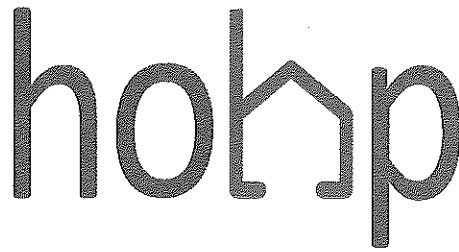
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0147 and hohp/pf/13/0221)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0147 and hohp/pf/13/0221) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0146
&
HOHP/PF/13/0220**

100 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mrs Grace Carr, 100 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
(“the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) (“the Regulations”).
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch (“the development”).
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0146 and hohp/pf/13/0220)

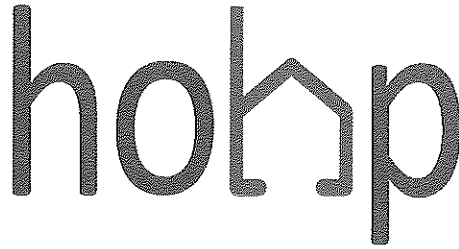
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0146 and hohp/pf/13/0220) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

..... Date..31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0145
&
HOHP/PF/13/0219**

86 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Joseph Mullen & Ms Angela Storrie, 86 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").

3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

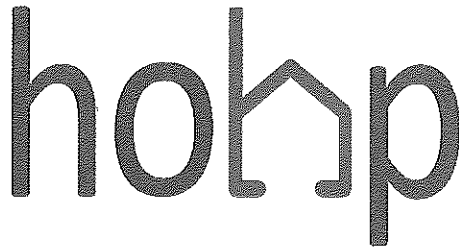
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0145 and hohp/pf/13/0219)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0145 and hohp/pf/13/0219) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0144
&
HOHP/PF/13/0218**

84 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Robert Brown & Mrs Linda Brown, 84 Waverley Park, Kirkintilloch, Glasgow, G66
2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").

3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
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6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

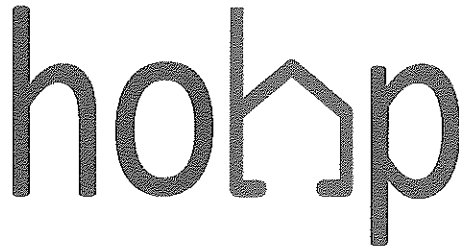
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0144 and hohp/pf/13/0218)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0144 and hohp/pf/13/0218) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed (Chairperson

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0143
&
HOHP/PF/13/0217**

82 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Matten David Scanlon & Mrs Leanne Scanlon, 82 Waverley Park, Kirkintilloch,
Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
(“the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) (“the Regulations”).
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

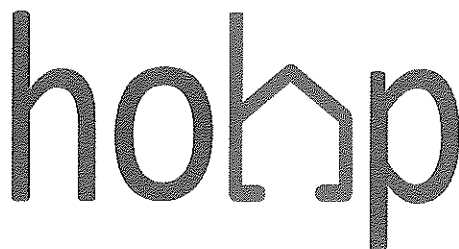
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0143 and hohp/pf/13/0217)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0143 and hohp/pf/13/0217) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed ...
Chairpers

..... Date 31 July 2014.....



Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 in respect of the undernoted applications

**HOHP/LM/13/0142
&
HOHP/PF/13/0216**

80 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

Mr Martin Cole & Mrs Kirsten Cole, 80 Waverley Park, Kirkintilloch, Glasgow, G66 2BP (whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch) ("the applicant")

Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0142 and hohp/pf/13/0216)

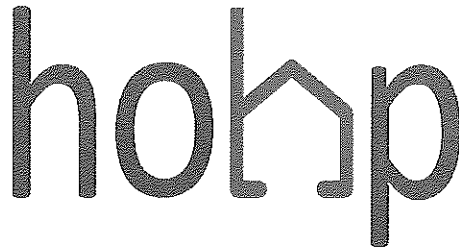
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0142 and hohp/pf/13/0216) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

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Signed
Chairperson

..... Date. 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0141
&
HOHP/PF/13/0215**

78 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Martyn Russell & Mrs Margaret Russell, 78 Waverley Park, Kirkintilloch, Glasgow,
G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
(“the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) (“the Regulations”).
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch (“the development”).

3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0141 and hohp/pf/13/0215)

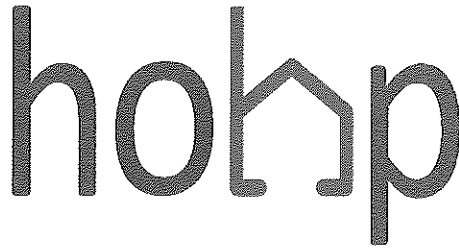
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0141 and hohp/pf/13/0215) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed ...
Chairperso..

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0140
&
HOHP/PF/13/0214**

77 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr John Cowan & Mrs Janice Cowan, 77 Waverley Park, Kirkintilloch, Glasgow,
G66 2BL
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
(“the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) (“the Regulations”).
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch (“the development”).

3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0140 and hohp/pf/13/0214)

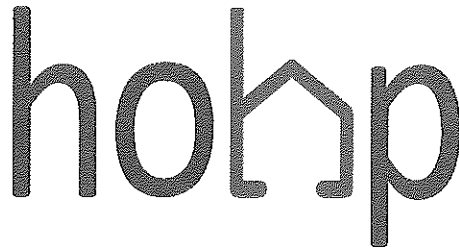
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0140 and hohp/pf/13/0214) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairpers

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0139
&
HOHP/PF/13/0213**

76 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr David Baxter & Mrs Diane Baxter, 76 Waverley Park, Kirkintilloch, Glasgow,
G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gurnley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
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6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

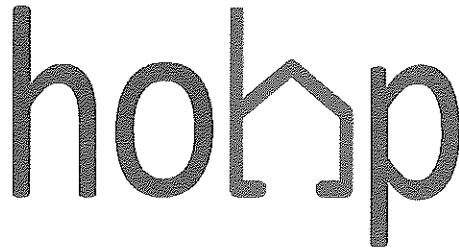
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0139 and hohp/pf/13/0213)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0139 and hohp/pf/13/0213) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

.. Date 31 July 2014.....



Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 in respect of the undernoted applications

**HOHP/LM/13/0138
&
HOHP/PF/13/0212**

75 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr John McCreadie & Mrs Karen McCreadie, 75 Waverley Park, Kirkintilloch, Glasgow, G66 2BL
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
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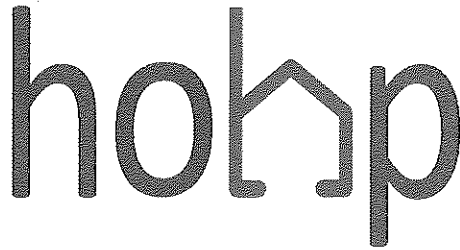
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11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0138 and hohp/pf/13/0212)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0138 and hohp/pf/13/0212) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

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Signed
Chairperson

..... Date. 31 July 2014.....



Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 in respect of the undernoted applications

**HOHP/LM/13/0137
&
HOHP/PF/13/0211**

74 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr John McGavin & Mrs Linda McGavin, 74 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
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11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0137 and hohp/pf/13/0211)

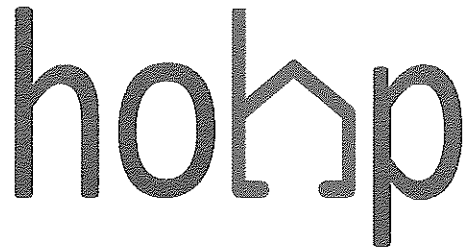
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Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0136
&
HOHP/PF/13/0210**

73 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Andrew McMillan, 73 Waverley Park, Kirkintilloch, Glasgow, G66 2BL
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
(“the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) (“the Regulations”).
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch (“the development”).
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0136 and hohp/pf/13/0210)

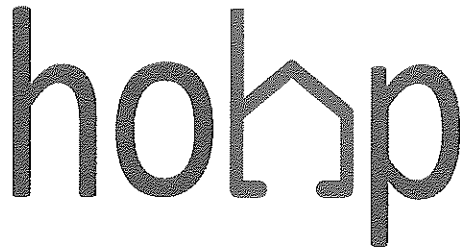
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0136 and hohp/pf/13/0210) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed/
Chairperson

..... Date..31 July 2014.....



Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 in respect of the undernoted applications

**HOHP/LM/13/0135
&
HOHP/PF/13/0209**

72 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Bruce Thomson & Mrs Diane Thomson, 72 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").

3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

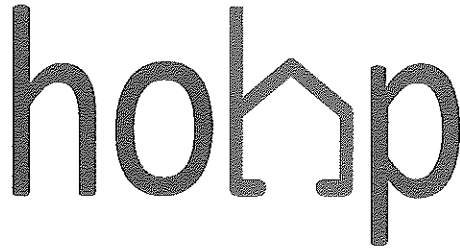
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0135 and hohp/pf/13/0209)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0135 and hohp/pf/13/0209) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0134
&
HOHP/PF/13/0208**

71 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Chaz McDonald & Mrs Stephanie McDonald, 71 Waverley Park, Kirkintilloch,
Glasgow, G66 2BL
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").

3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

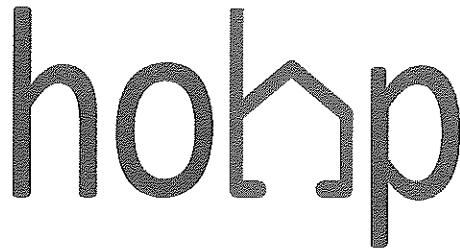
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-
- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0134 and hohp/pf/13/0208)
 - b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0134 and hohp/pf/13/0208) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed .../
Chairpers

..... Date: 31 July 2014.....



Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 in respect of the undernoted applications

**HOHP/LM/13/0133
&
HOHP/PF/13/0207**

70 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr James Gentle, 70 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.

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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0133 and hohp/pf/13/0207)

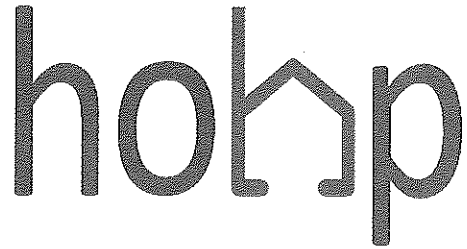
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0133 and hohp/pf/13/0207) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairpersc

..... Date. 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0132
&
HOHP/PF/13/0206**

69 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Derek Barton, 69 Waverley Park, Kirkintilloch, Glasgow, G66 2BL
(whose authorised representative is Mr Philip Mackie, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
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case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.

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6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0132 and hohp/pf/13/0206)

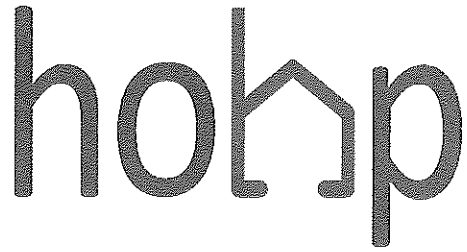
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0132 and hohp/pf/13/0206) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

..... Date 31 July 2014.....



Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 in respect of the undernoted applications

**HOHP/LM/13/0131
&
HOHP/PF/13/0205**

68 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Robert Carrigan & Mrs Desiree Carrigan, 68 Waverley Park, Kirkintilloch, Glasgow, G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
(“the applicant”)**

Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) (“the Regulations”).
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6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
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10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0131 and hohp/pf/13/0205)

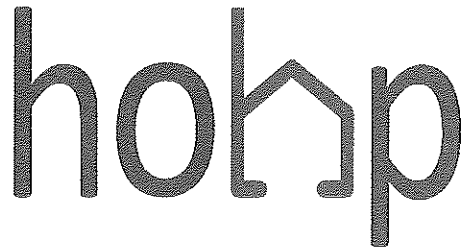
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0131 and hohp/pf/13/0205) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0130
&
HOHP/PF/13/0204**

67 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Rod Morrison, 67 Waverley Park, Kirkintilloch, Glasgow, G66 2BL
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
("the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
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4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0130 and hohp/pf/13/0204)

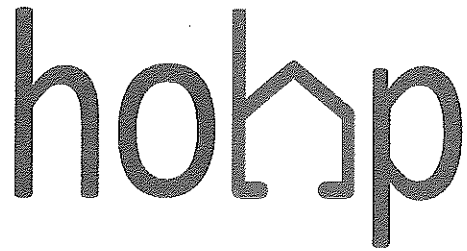
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0130 and hohp/pf/13/0204) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed ...
Chairperson

..... Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under
the Homeowner Housing Panel (Applications and Decisions)
(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0129
&
HOHP/PF/13/0203**

66 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Gen Cannibal & Mrs Alison Cannibal, 66 Waverley Park, Kirkintilloch, Glasgow,
G66 2BP
(whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)
(“the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE (whose
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

Committee Members

**James Bauld (Chairperson)
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) (“the Regulations”).
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications, from 74 homeowners within a development situated at Waverley Park, Kirkintilloch (“the development”).

3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 applications are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be sisted by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0129 and hohp/pf/13/0203)

b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0129 and hohp/pf/13/0203) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

Appeals

12. The parties' attention is drawn to the terms of 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 the period of 21 days beginning with the date on which the decision appealed against is made..."

Signed
Chairperson

..... Date. 31 July 2014.....