

**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/13/0128
&
HOHP/PF/13/0202**

65 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr James Brown & Ms Suzanne McQueen, 65 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/13/0128 and hohp/pf/13/0202)

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/13/0128 and hohp/pf/13/0202) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

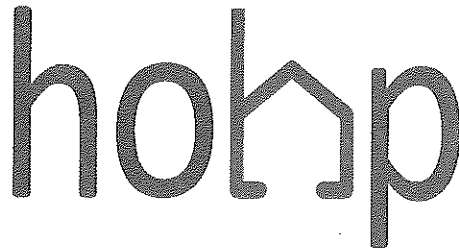
Appeals

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
Chairpersd

..... 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/13/0127
&
HOHP/PF/13/0201**

64 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mrs Mary Aitken, 64 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)**

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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.

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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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/13/0127 and hohp/pf/13/0201)

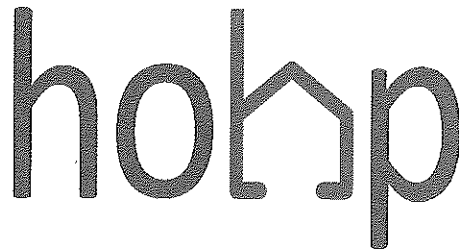
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0127 and hohp/pf/13/0201) for the reasons stated in the Committee's decisions on the lead applications 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/13/0126
&
HOHP/PF/13/0200**

63 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mrs Margaret Connelly, 63 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)**

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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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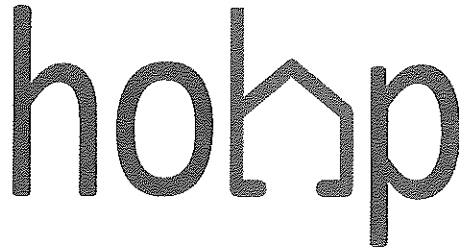
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's 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/13/0126 and hohp/pf/13/0200)
 - 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/13/0126 and hohp/pf/13/0200) 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/13/0125
&
HOHP/PF/13/0199**

62 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Alan Campbell, 62 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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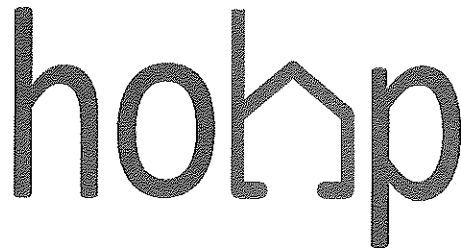
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0125 and hohp/pf/13/0199) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

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Signed ...
Chairperson

..... Date 21 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/13/0124
&
HOHP/PF/13/0198**

61 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr William Morris, 61 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 Dolg, 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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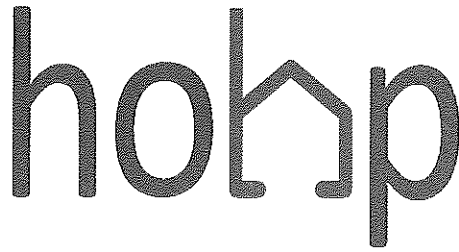
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(Scotland) Regulations 2012 in respect of the undernoted
applications**

**HOHP/LM/13/0123
&
HOHP/PF/13/0197**

60 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Angus Howe & Mrs Sharon Howe, 60 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
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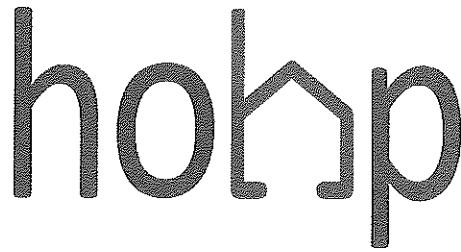
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Signed ...
Chairpers

..... 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/13/0122
&
HOHP/PF/13/0196**

59 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mrs Lisbeth Brown, 59 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
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Committee Members

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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.

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/13/0122 and hohp/pf/13/0196)

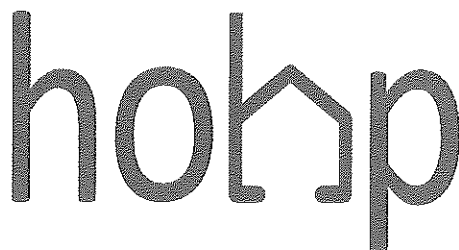
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0122 and hohp/pf/13/0196) for the reasons stated in the Committee's decisions on the lead applications 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/PF/13/0195 58 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

Mr Les Ireland, 58 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 case 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. This application is made under Section 17(2) of the Act and is 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 application of the applicant will be dealt with as follows:-

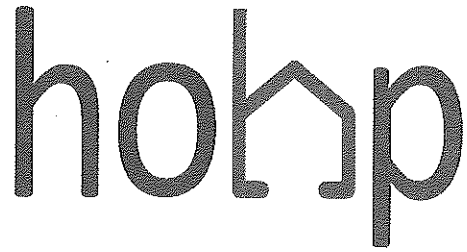
- a) the Committee recalls the sist granted in respect of the applicant's application (hohp/pf/13/0195)
- b) the Committee rejects the applicant's complaint that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the application (hohp/pf/13/0195) for the reasons stated in the Committee's decisions on the relevant lead application 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/13/0120
&
HOHP/PF/13/0193**

56 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr George Wilkie, 56 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.

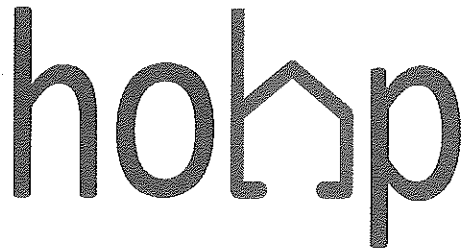
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's 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/13/0120 and hohp/pf/13/0193)
 - 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/13/0120 and hohp/pf/13/0193) 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/13/0119
&
HOHP/PF/13/0192**

55 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Christopher Breen & Mrs June Breen, 55 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/13/0119 and hohp/pf/13/0192)

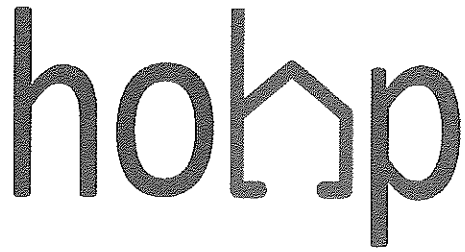
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0119 and hohp/pf/13/0192) for the reasons stated in the Committee's decisions on the lead applications 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/13/0118
&
HOHP/PF/13/0191**

54 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mrs Tracy Dow, 54 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/13/0118 and hohp/pf/13/0191)

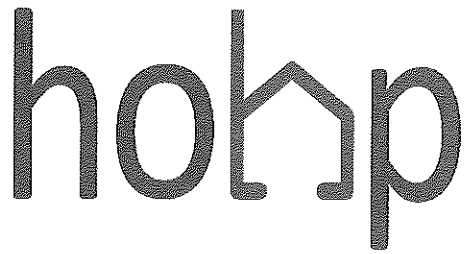
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0118 and hohp/pf/13/0191) for the reasons stated in the Committee's decisions on the lead applications 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/13/0117
&
HOHP/PF/13/0190**

53 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Ms Mary Mulgrew, 53 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/13/0117 and hohp/pf/13/0190)

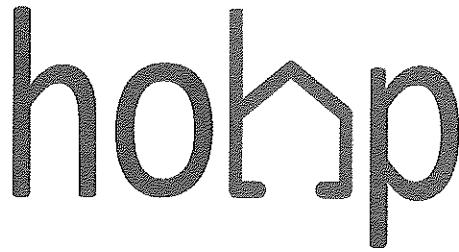
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0117 and hohp/pf/13/0190) for the reasons stated in the Committee's decisions on the lead applications 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/13/0116
&
HOHP/PF/13/0189**

52 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mrs Alison Lynn, 52 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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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.

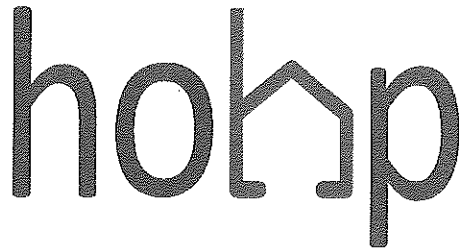
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's 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/13/0116 and hohp/pf/13/0189)
 - 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/13/0116 and hohp/pf/13/0189) 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/13/0115
&
HOHP/PF/13/0188**

51 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Martin Robertson, 51 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/13/0115 and hohp/pf/13/0188)

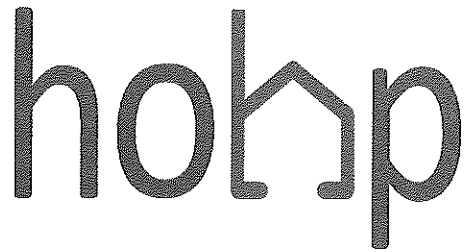
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0115 and hohp/pf/13/0188) for the reasons stated in the Committee's decisions on the lead applications 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/13/0114
&
HOHP/PF/13/0187**

49 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Graham Gold, 49 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/13/0114 and hohp/pf/13/0187)

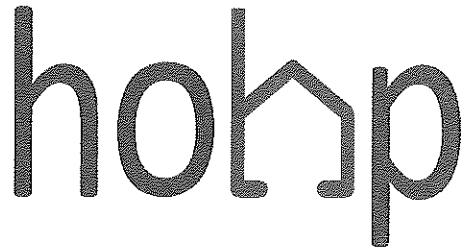
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0114 and hohp/pf/13/0187) for the reasons stated in the Committee's decisions on the lead applications 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/13/0113
&
HOHP/PF/13/0186**

48 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Brian Cawley & Mrs Marlyn Cawley, 48 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/13/0113 and hohp/pf/13/0186)

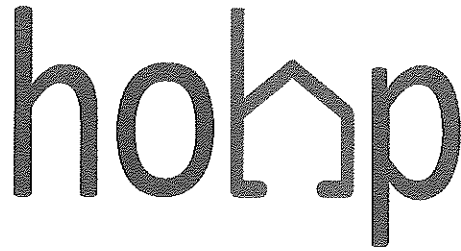
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0113 and hohp/pf/13/0186) for the reasons stated in the Committee's decisions on the lead applications 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/13/0112
&
HOHP/PF/13/0185**

47 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Edward Young & Mrs Jean Young, 47 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/13/0112 and hohp/pf/13/0185)

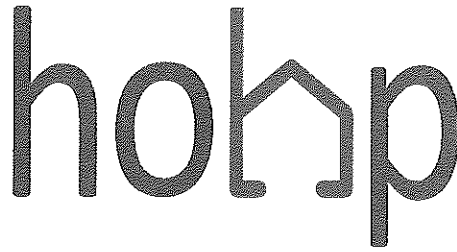
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0112 and hohp/pf/13/0185) for the reasons stated in the Committee's decisions on the lead applications 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/13/0111
&
HOHP/PF/13/0184**

46 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Joseph Oliver, 46 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/13/0111 and hohp/pf/13/0184)

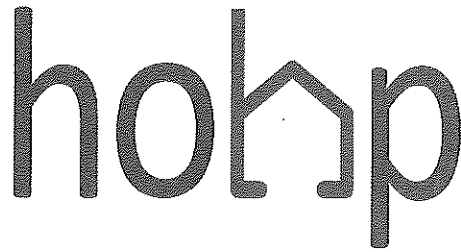
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0111 and hohp/pf/13/0184) for the reasons stated in the Committee's decisions on the lead applications 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/13/0110
&
HOHP/PF/13/0183**

45 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Eddie McKenna & Mrs Barbara McKenna, 45 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 listed 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.

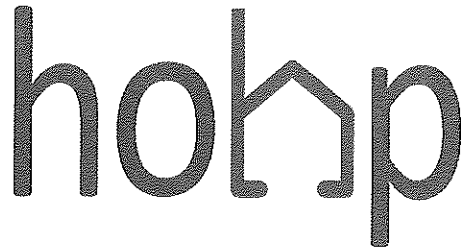
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's 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/13/0110 and hohp/pf/13/0183)
 - 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/13/0110 and hohp/pf/13/0183) 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/13/0109
&
HOHP/PF/13/0182**

44 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Vishal Dey, 44 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/13/0109 and hohp/pf/13/0182)

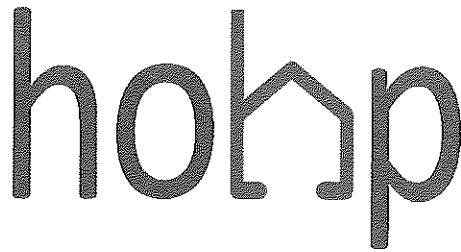
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0109 and hohp/pf/13/0182) for the reasons stated in the Committee's decisions on the lead applications 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/13/0108
&
HOHP/PF/13/0181**

43 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mrs Pamela Hutton, 43 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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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/13/0108 and hohp/pf/13/0181)

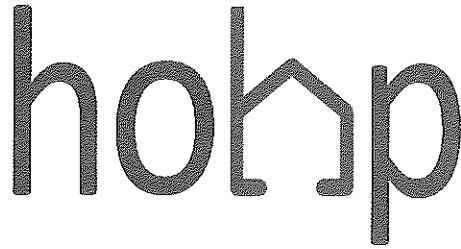
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0108 and hohp/pf/13/0181) for the reasons stated in the Committee's decisions on the lead applications 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/13/0107
&
HOHP/PF/13/0180**

42 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Robert Acheson & Mrs Mary Acheson, 42 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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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.

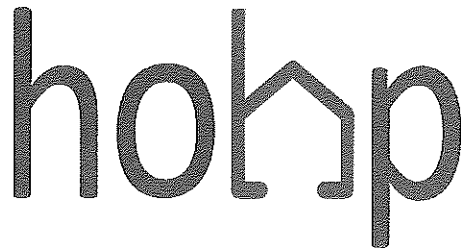
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's 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/13/0107 and hohp/pf/13/0180)
 - 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/13/0107 and hohp/pf/13/0180) 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/13/0106
&
HOHP/PF/13/0179**

41 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Alex MCCahill, 41 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.
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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/13/0106 and hohp/pf/13/0179)

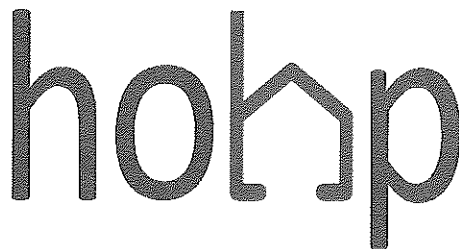
b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0106 and hohp/pf/13/0179) for the reasons stated in the Committee's decisions on the lead applications 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/13/0105
&
HOHP/PF/13/0178**

38 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mrs Maureen Santosh, 38 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 Dolg, 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.

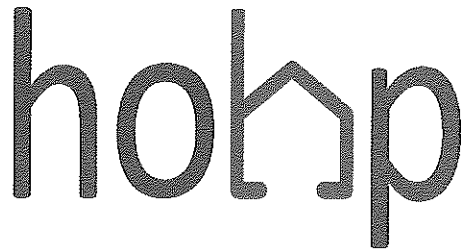
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's 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/13/0105 and hohp/pf/13/0178)
 - 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/13/0105 and hohp/pf/13/0178) 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/13/0104
&
HOHP/PF/13/0177**

37 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

The Parties:-

**Mr Martin Mulgrew, 37 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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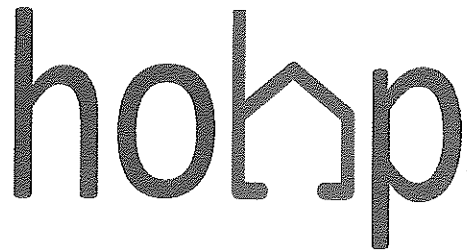
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- a) the Committee recalls the sist granted in respect of the applicant's two applications (hohp/lm/13/0104 and hohp/pf/13/0177)
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Appeals

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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/13/0103
&
HOHP/PF/13/0176**

36 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

The Parties:-

**Mr Franco Dinardo, 36 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.
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/13/0103 and hohp/pf/13/0176)
 - 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/13/0103 and hohp/pf/13/0176) 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.....