



**Determination by the Home Owner Housing Committee under the
Property Factors (Scotland) Act 2011**

HOHP Reference: HOHP/PF14/0018

THE PARTIES

Mr Michael Sturgeon, residing at Flat 8, 112 Hillpark Grove, Edinburgh, EH4 7EF ("the applicant")

And

Charles White Limited, 92 Morningside Road, Edinburgh, EH10 4BY ("the respondent")

Property: Flat 8, 112 Hillpark Grove, Edinburgh, EH4 7EF

DECISION ISSUED UNDER SECTION 21 (1) OF THE PROPERTY FACTORS (SCOTLAND) ACT 2011 ("THE ACT") BY THE HOME OWNER HOUSING COMMITTEE

COMMITTEE MEMBERS

James Bauld (Chairperson)
David Godfrey (Surveyor Member)
Elaine Munroe (Housing Member)

1. This decision should be read in conjunction with the previous decisions of the Committee dated 6th October 2014 and 16th December 2014. In those decisions, the Committee decided to make a Property Factor Enforcement Order in the terms proposed in the Committee's decisions.
2. The Property Factor Enforcement Order required the factor to carry out eight separate steps.
3. The Property Factor Enforcement Order required these steps to be carried out no later than 14th January 2015.
4. On 15th January 2015, each of the parties were asked by the administration staff of the Home Owner Housing Panel to indicate whether they believed that the factor had complied with the Property Factor Enforcement Order. The applicant responded by email. No response was received from the factor prior to the deadline of 29th January 2015.
5. In his email response, the applicant indicated that he accepted that the factor had complied with paragraphs numbered 1, 2, 3 and 8 of the Property Factor Enforcement Order. With regard to paragraph 7 he confirmed that relevant management fees had been refunded up to and including 1st October 2014 and queried whether further fees should have been refunded.

Appeals

The parties' attention is drawn to the terms of section 22 of the Act regarding the right to appeal and the time limit for doing so. That section provides:

- (1) An appeal on a point of law may only be made by summary application to the Sheriff against a decision made by the President of the Home Owner Housing Panel or a Home Owner Housing Committee.
- (2) An appeal under subsection (1) must be made within a period of 21 days beginning with the day on which the decision appealed against is made.

J Bauld

Signed.
Chairperson

Date.....1 April 2015.....

Witness.....!

Date.....1/4/15.....