



Proposal to make a Property Factor Enforcement Order

following a

Decision of the Home Owner Housing Committee issued under the Home Owner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012

HOHP Ref: HOHP/PF/15/0135

Title No ANG52370

The Parties

John Joss, residing at 35 Abbey Lane, Grange, Errol, Perthshire, PH2 7GA ("The applicant")
and

Robert Adams t/a Factor4you, River Court, 5 West Victoria Dock Road, Dundee, DD1 3JT ("The respondent")

Committee Members

Paul Doyle Chairperson
John Blackwood Housing Member

PROPOSED PROPERTY FACTOR ENFORCEMENT ORDER

The committee intends to make the following property factor enforcement order ("PFEO")

"Within 28 days of the date of service on the respondent of this property factor enforcement order the respondent must

"1. Pay the applicant £300 to reimburse the applicant for payment made by the applicant to a contingency fund for the render repairs carried out in summer 2015.

"2. Pay the applicant £200 representing property factor fees paid by the applicant to the respondent between January and April 2016, when the respondent had been removed from the register of property factors."

Section 19 of the 2011 Act contains the following:

"(2) In any case where the committee proposes to make a property factor enforcement order, they must before doing so—

(a) give notice of the proposal to the property factor, and

(b) allow the parties an opportunity to make representations to them.

"(3) If the committee are satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, the committee must make a property factor enforcement order.

"(4) Subject to section 22, no matter adjudicated on by the homeowner housing committee may be adjudicated on by another court or tribunal."

The intimation of the committee's decision and this proposed PFEO to the parties should be taken as notice for the purposes of s. 19(2)(a) of the 2011 Act, and parties are hereby given notice that they should ensure that any written representations which they wish to make under s.19 (2)(b) of the 2011 Act reach the Homeowner Housing Panel's office not later than 14 days after the date that the Decision and this proposed PFEO is intimated to them. If no representations are received within that 14 day period, then the committee is likely to proceed to make a property factor enforcement order without seeking further representations from the parties.

Failure to comply with a property factor enforcement order may constitute a criminal offence

Paul Doyle

Signed
Chairperson

Date 11/5/2016