



**Certificate of the Homeowner Housing Committee issued under the Homeowner Housing Panel
(Applications and Decisions) (Scotland) Regulations 2012**

hohp Ref: HOHP/LM/15/0159

Re: Property being woodland at Clayhills Grove, Balerno, Midlothian, EH14 7NE ("the Property")

The Parties:-Mr Anthony J.E. Macfarlane residing at 10, Clayhills Grove, Balerno, Midlothian, EH14 7NE ("the homeowner") and Trinity Factoring Services Limited, 209/211, Bruntisfield Place, Edinburgh, EH10 4DH ("the factor"), hereinafter together referred to as "the parties"

Committee Members

Karen Moore (Chairperson)

Elizabeth Dickson (Housing Member)

Certificate of Compliance with the Property Factor Enforcement Order issued by the Committee under Section 19 (3) of the Property Factors (Scotland) Act 2011 on 27 July 2016

Background

1. Following a Hearing into the homeowner's complaint held on 18 May 2016, the Committee issued a decision dated 27 May 2016 and indicated that the Committee proposed to make a Property Factor Enforcement Order ("PFEO"). Following representations from both parties the Committee, on 27 July 2016, issued the following PFEO based the proposed PFEO:-
*"1. On or before the date 21 days from the date of this Order, the factor must prepare a programme of works for the Property, issue this to the homeowner and the other owners in the Development and must seek the instructions of all of the owners in the Development in respect of carrying out any works specified in the programme of works.
2. In addition, on or before the date 21 days from the date of this Order, the factor must send a letter of apology to the homeowner and make payment of £100.00 to the homeowner in compensation for the inconvenience and upset caused to him."*
2. The PFEO was intimated to both parties.

3. Prior to the issue of the PFEO, both parties wrote to the Committee indicating that the factor had complied with the terms of the proposed PFEO. In addition, the homeowner advised the Committee that he did not wish the compensation payment but wished the factor to provide further documentation. The Committee, having regard to the strict terms of the PFEO as issued by them, took the view that, notwithstanding the homeowner's additional comments, the written representations of both parties evidenced that the factor has complied with the terms of the PFEO.
4. Accordingly, the Committee issue this Certificate of Compliance.

Appeals

The parties' attention is drawn to the terms of Section 22 of the 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..."

Chairperson

Date 31/08/2016