



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

HOHP reference: HOHP/PF/14/0111

Re: 78 Belmont Drive, East Kilbride G75 8HD ('the property')

The Parties:

Mrs Anna Goudarzi, 2 Bellflower Grove, East Kilbride G74 4TB ('the homeowner')

South Lanarkshire Council, Housing and Technical Resources, Almada Street, Hamilton ML3 0AA ("the property factor")

Decision by a committee of the Homeowner Housing Panel in an application under section 17 of the Property Factors (Scotland) Act 2011('the Act')

Committee members:

George Clark (chair), Richard Burnett (surveyor member) and Scott Campbell (housing member)

This Decision should be read in conjunction with the decision of the Committee dated 22 May 2015.

In that decision, the Committee indicated that it proposed, for the reasons stated in the decision to make a Property Factor Enforcement Order and, as required by Section 19(2)(b) of the Act, gave the parties a period of fourteen days from the date of intimation to them of its decision within which to make representations. No representations were received from or on behalf of the Applicant within that period.

DECISION

The Committee, having taken into account the representations made by the Respondent, and having determined that the Respondent had failed to ensure compliance with the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors as required by section 14(5) of the Act, decided that it was required to make a Property Factor Enforcement Order in the terms originally proposed in its decision of 22 May 2015.

The decision was unanimous.

PROPERTY FACTOR ENFORCEMENT ORDER

The Committee makes the following Property Factor Enforcement Order:

"Within 4 weeks of the communication to the property factor of the PFEO, the property factor shall (1) send a written apology to the homeowner for its failure to take steps to confirm with her that she had agreed with Ailsa Building Contractors Limited the works to be carried out in her property and that the works had been completed (2) conduct a review of its policy and procedures for dealing with claims by homeowners for compensation and to make such changes to those policies and procedures as are necessary to ensure they comply with the requirements of Section 7.2 of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors".

Failure to comply with a Property Factor Enforcement Order may have serious consequences and may constitute an offence.

APPEALS

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 day on which the decision appealed against is made..."

Signed GEORGE CLARK (Chairperson)

8 July 2015