



Property Factor Enforcement Order

of

the Homeowner Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 19 (3) of the Property Factors (Scotland) Act 2011

Case Reference Number: HOHP/PF/13/291

Re : Property at 49 Colbreggan Gardens, Hardgate, Clydebank G81 5PB ("the Property")

The Parties:-

Yvonne McDonald, Cairnlea, 39 Cochno Road, Clydebank G81 6PT ("the Applicant")

West Dunbartonshire Council, Housing and Community Safety, Housing Environmental and Economic Development Department, Garshake Road, Dumbarton G82 3PU ("the Respondent")

NOTICE TO THE PARTIES

Whereas in terms of their decision dated 7 May 2014, the Homeowner Housing Committee decided that the Respondent has failed to comply with the Property Factor Code of Conduct and failed to carry out its duties under the Feu Disposition by Clydebank District Council to Ronald Charles Brown and Margaret Mary Brown registered 10 August 1988 all as stated in said decision; the Committee makes a property factor enforcement order in the following terms:

- (1) The Respondent shall within 4 weeks of the notification of this Order issue to the Applicant an amended Written Statement of Services under section

1.1a of the Code of Conduct for Property Factors under the Property Factors (Scotland) Act 2011 in which -

- (a) on the second page under "Delegated Authority and Financial Thresholds" in lines 2 and 3, the words "(plus VAT) per property" are substituted by "(inclusive of VAT)";
- (b) on the third page under "Properties in the Clydebank Area" at the end of the second bullet pointed paragraph, the words from "to you" to the end of the sentence are substituted by, "of such works does not exceed £ 500 inclusive of VAT.;"
- (c) on the sixth page under "Section 3: Financial & Charging Arrangements" in the penultimate paragraph in line 2 the words from "exceed" to "£ 500 plus VAT per proprietor" are substituted by, "are estimated by us to exceed £ 500 inclusive of VAT";
- (d) on the fifth page between the sixth and seventh bullet points is inserted a bullet point as follows:
 - Advise you of progress of the works, including estimated timescales for completion of common repairs or maintenance works, unless you have agreed with the other homeowners in the block a cost below which job-specific progress reports are not required;
- (e) on the sixth page under "Charging Arrangements":
 - (i) the first two sentences are substituted by the wording of clause 6(e) of the Feu Disposition by Clydebank District Council in favour of Ronald Charles Brown and Margaret Mary Brown registered in the Land Register of Scotland on 19 August 1988 under title number DMB27604, up to the words "for the subsequent Half Year Period."; and
 - (ii) the word "It" in the third sentence is substituted by, "The Half Year Period ends on 30 June and 31 December. The statement will";
 - (iii) a further paragraph is inserted as follows:

"We will provide to you, in writing at least once a year (whether together with the statement or otherwise), a detailed financial breakdown of charges made and a description of the activities and works carried out which are charged for. In response to reasonable requests we will also supply supporting documentation and invoices or other appropriate documentation for inspection or copying. We may impose a

reasonable charge for copying, subject to notifying you of this charge in advance."

- (2) The Respondent shall comply with condition 6(e) of the said Feu Disposition in respect of the Applicant as soon as it is reasonably practicable to do so after 30 June 2014 and no later than the end of July 2014;

The Committee has taken account of the e-mails from the Respondent dated 20 May 2014 and from the Applicant dated 5 June 2014 indicating that payment of the sum of £ 125 as proposed by the Committee in its decision and notice of proposal of 7 May 2014 has been made. The Committee therefore omits that item from this Order. No other representations having been made under section 19(2)(b) of the Act, the Committee adheres to the terms of its decision of 7 May 2014.

The parties are given a right of appeal on a point of law against this decision and Order by means of a summary application to the Sheriff made within 21 days beginning with the date when this decision is made. All rights of appeal are under section 22(1) of the Act.

Signed 6 June 2014
David Bartos, Chairperson