



Proposal to make a Property Factor Enforcement Order

following a

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

HOHP Ref: HOHP/PF/15/0138

The Parties

Martin Wylie, residing at 23 Bowbutts Brae, Strachan, Banchory, AB31 6PG ("The applicant")
and

Firstport Property Services Scotland Ltd (formerly Peverel Scotland Ltd), 183 St Vincent Street, Glasgow G2 5QD ("The respondent")

Committee Members

Paul Doyle	Chairperson
Mike Links	Surveyor 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. Amend their statement of services to clarify

"(a) The basis upon which Additional Services are to be charged and calculated.

"(b) The basis upon which the level of any delegated authority to allow them to act without reference to the owners is to be agreed with owners.

"2. Intimate a copy of the amended written statement of services to the applicant and all other proprietors on the development."

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

23/05/2016