



Property Factor Enforcement Order

Reference: HOHP/PF/13/0326

Re: Property at Fidra Avenue, Burntisland, Fife, KY3 0AZ ("the Property")

The Parties:-

Mr Jonathan Law, 16 Fidra Avenue, Burntisland, Fife, KY3 0AZ ("the Homeowner")

Collinswell Land Management Limited, Collinswell House, Aberdour Road, Burntisland, Fife, KY3 0AE ("the Factors")

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

Committee Members:

Maurice O'Carroll (Chairman)
Carolyn Hirst (Housing Member)

This Notice should be read in conjunction with the Decision and proposed Property Factor Enforcement Notice both dated 3 March 2015 under reference HOHP/PF/13/0326

1. By decision of 3 March 2015, the Committee determined that the Respondent had breached its duties in terms of s 17(1)(b) of the 2011 Act in that it has failed to comply with section 1.1b of the Code of Conduct for Property Factors at parts A, B, C and E all as further specified within the said decision, as required by s 14(5) of that Act.
2. In accordance with s 19(3) of the 2011 Act, having been satisfied that the respondent has failed to carry out the property factor duties, the Committee required to make a Property Factor Enforcement Order. Before making an Order, to comply with s 19(2) of the Act, the Committee gave notice of the proposal to the Factors and allowed the parties an opportunity to give representations to the Committee.
3. By email dated 19 March 2015, the Factors made representations regarding the proposed Property Factor Enforcement Order. The Committee took those representations into consideration. The Homeowner made no further representations.

4. Therefore, the Committee hereby makes the following Property Factor Enforcement Order:

Within 28 days of the communication to the Factors of the Property Factor Enforcement Order, the Factors must:

1. Provide the Homeowner Housing Panel with a Written Statement of Services relative to the development referred to in the Committee decision which fully complies with the requirements of section 1.1b of the Code of Conduct for Property Factors at parts A, B, C and E, as more particularly specified within the said decision of 3 March 2015, and undertake to the Homeowner Housing Panel that in future, all homeowners in respect of whose property it acts as a property factor will be provided with a Code-compliant Written Statement of Services .
2. Make payment to the Homeowner of the sum of £250 in recognition of the inconvenience and distress that the Factors' breaches of the Code have caused to the Homeowner and confirm in writing to the Homeowner Housing Panel that this has been done within 7 days of having done so by recorded delivery post.

6. **Appeals**

The parties' attention is drawn to the terms of s 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 date on which the decision appealed against is made..."

Signed

M O'Carroll
Chairperson

Date 13 April 2015