



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

hohp Ref: HOHP/PF/14/0006

Re: Property at 16 Chandlers Lane, Dundee DD1 3DH (collectively “the Property”)

The Parties:-

Richard Thomas, 11 Amethyst Court, Chelmscote Road, Solihull, West Midlands B92 8BY (“the Applicant”)

Factor4You, 10 River Court, 5 West Victoria Dock Road, Dundee DD1 3JT (“the Respondent”)

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

Committee Members:

John McHugh (Chairman); Ahsan Khan; and Mary Lyden (Housing Members).

Decision

The Committee hereby determines that the Property Factor Enforcement Order has not been complied with.

The decision is unanimous.

Reasons for Decision

The Committee issued a Property Factor Enforcement Order (“PFEO”) on 13 October 2014.

In terms of section 23(1) of the 2011 Act, the Committee is to determine whether the Respondent has complied with the PFEO.

The Committee gave consideration to the extent to which the PFEO had been complied with.

The Committee gave consideration to the Respondent’s fax of 5 December 2014 and the Applicant’s email of 23 November 2014 which confirm that the parties are in agreement that compliance has not been achieved. There is no evidence of any attempt at compliance. The Respondent has advised that the PFEO has been the subject of appeal

but has produced no evidence that that is the case and the Committee has proceeded on the basis that there is no appeal.

The Committee accordingly hereby finds that the PFEO has not been complied with.

Effect of Decision

Notice of the failure to comply will be sent to the Scottish Ministers in accordance with section 23(2) of the 2011 Act.

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

Date*16 December 2014*

JOHN M MCHUGH

Chairperson