



## **Property Factor Enforcement Order**

**of**

**the Homeowner Housing Committee**

(Hereinafter referred to as "the Committee")

Under Section 19 (2) (a) of the Property Factors (Scotland) Act 2011

Case Reference Number: HOHP/PF/16/0010

**Re : Property at Flat 10, 25 Simpson Loan, Edinburgh EH3 9GE ("the Property")**

### **The Parties:-**

**Mr Jason Watson, Flat 18, 15 Simpson Loan, Edinburgh EH3 9GB ("the Applicant")**

**Quartermile Estates Limited, Estate Office, 9 Simpson Loan, Edinburgh EH3 9GQ ("the Respondents")**

### **NOTICE TO THE PARTIES**

Whereas in terms of their decision dated 28 July 2016, the Homeowner Housing Committee decided that the Respondents have failed to comply with the Property Factor Code of Conduct all as stated in said decision; the Committee make a property factor enforcement order in the following terms:

The Respondents shall :

- (1) By the end of December 2016, in their next annual budget calculation, in the event of the Respondents not having obtained a quotation for any item of insurance, make any entry for budgeted insurance costs expressly

- subject to an explanatory note in the budget which explains that such entry is subject to alteration upon a quotation being obtained;
- (2) In the case of part (1) of this Order, by no later than one week after the issue of the annual budget calculation to the Applicant or other proprietors within 25 and 26 Simpson Loan Edinburgh, lodge with the Homeowner Housing Panel a copy of said annual budget calculation together with any insurance quotation supporting the budgeted insurance costs, if any has been obtained;
  - (3) By no later than 3 weeks from the notification of this Order, provide to the Applicant a detailed breakdown of the charges comprised under the expenditure of £ 1,327.92 for M&E Repairs for the period of 1 January to 31 December 2014 and a description of the activities and works carried out (including the obtaining of materials) for which said charges were incurred.
  - (4) At the time of compliance with part (3) of this Order, lodge a copy of any documentation provided to the Applicant in compliance with said part with the Homeowner Housing Panel.

### **Further Reasons**

These reasons are further to those in the decision of 28 July 2016 and should be read with them. The Committee has taken account of the e-mail from the Respondents dated 22 August 2016 and its attachments. In relation to these the Committee observes that the invoice for £ 1209.52 net of VAT does not contain a detailed break-down of work and charges comprised under the item "repair replace lighting". It is not sufficient to a homeowner to scrutinise the reasonableness of the one composite charge of £ 1209.52 exclusive of VAT. In all the circumstances the Committee remain satisfied that the Respondents have failed to comply with their duty under section 14 of the Act and adhere to the terms of their decision of 28 July 2016.

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.

D Bartos

Signed ..  
David Bartos, Chairperson

1 September 2016