



Proposal regarding the Making of a Property Factor Enforcement Order

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

Darren Heaney, 6/2, 104 Lancefield Quay, Glasgow G3 8HF ("the Applicant")

**Property Factor: Hacking and Paterson Management Services, 1 Newton
Terrace, Glasgow G3 7PL ("the Respondent")**

hohp Ref: HOHP/PF/14/0145

Re: Property at 6/2, 104 Lancefield Quay, Glasgow G3 8HF ("the Property")

Committee Members:

John McHugh (Chairman); Andrew Taylor (Surveyor Member).

This document should be read in conjunction with the Committee's Decision of the same date.

The Committee proposes to make the following Property Factor Enforcement Order ("PFEQ"):

"Within 28 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must provide to the Applicant a written progress report indicating the current status of the works and investigations which have been (or are in the course of being) undertaken in relation to the leak affecting the Property's balcony including an estimated timescale for completion of the works. Thereafter, the Respondent must issue to the Applicant an updated report containing the same information no less frequently than every 28 days until such time as the remedial works have been completed."

Section 19 of the 2011 Act provides as follows:

“...(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...”

The intimation of the Committee's Decision and this proposed PFEO to the parties should be taken as notice for the purposes of section 19(2)(a) and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2)(b) reach the Homeowner Housing Panel's office by no 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 timescale, 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 have serious consequences and may constitute an offence.

JOHN M MCHUGH

CHAIRMAN

Date: 17 May 2015