



Hohp ref:HOHP/PF/14/0152

Re:

18 Kirkton Drive, Burntisland, Fife, KY3 0DD ('the Property')

The Parties:

Dafydd McIntosh residing at 18 Kirkton Drive, Burntisland, Fife, KY3 0DD ('the homeowner')

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

Committee members:

Jacqui Taylor (Chairperson) and Brenda Higgins (Housing Member)

The Homeowners Housing Committee ('the Committee'), having made such enquiries as it saw fit for the purposes of determining whether the factor has:

- (a) Complied with the property factor's duties in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') and
- (b) Complied with the Code of Conduct for property factors, as required by section 14 of the 2011 Act

Determined in their decision dated 13th February 2015 that the factor has not complied with Sections 2.1 and 2.2 of The Code of Conduct.

The Committee intimated to the parties, in terms of their said decision dated 13th February 2015, that they proposed to make a Property Factor Enforcement Order. As no timeous representations have been received from the parties in relation to the proposed Property Factor Enforcement Order the Committee make the following Property Factor Enforcement Order:

Within 28 days of the communication to the factor of the Property Factor Enforcement Order:

(1) The factor is required to issue a letter of apology to all of the residents. The letter must apologise to the homeowner and other residents for providing misleading and inaccurate information in their Information Letter dated September 2014.

The letter of apology should also correct the inaccurate statements in the said Information Letter and should:-

- (i) Emphasise that they settled the court action as they conceded that their invoice dated 25th January 2010 included a previous quarter of factoring charges which they were not entitled to collect amounting to £35.
- (ii) Explain that the Sheriff made no judgement to the effect that they were entitled to recover legal costs.
- (iii) Apologise for specifically naming the homeowner and Mr Crooks.
- (iv) Clarify that they had raised the court action and it was not the homeowner and Mr Crooks who had raised the Court action.

(2) The factor must pay the homeowner £100 for the inconvenience he had suffered from their own funds and at no cost to the owners.

Signed ..

Date 16th March 2015

Chairperson