



**Notice of proposal to make a Property Factor Enforcement Order made under
Section 19(2)(a) of the Property Factors (Scotland) Act 2011 ("the Act")
following upon a Decision of the Homeowner Housing Committee in an
application under Section 17(1) of the Act**

hohp Ref: HOHP PF/14/0148

The Property: 34 Bell Street, Wishaw ML2 7NU

The Parties: –

**Miss Claire McKenna, residing at 9 Burnpark Avenue, Uddingston, G71 7RY ("the
homeowner")**

and

**Miller Property Management Ltd, registered under the Companies Acts and having its
Registered office at 29 Brandon Street, Hamilton, South Lanarkshire, ML3 6DA ("the
factors")**

Committee Members:

David Preston (Chairman); and Andrew Taylor (Surveyor Member).

**This document should be read in conjunction with the Committee's Decision
under Section 19(1)(a) of the Act of the same date.**

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

Within one month from the date of service of the PFEO to follow hereon, the factor to:

1. Review and revise its Written Statement of Services to incorporate all the requirements detailed in the Code of Conduct Property Factors and to send a copy of the revised version thereof to HOHP, Europa Building, 450 Argyle Street, Glasgow G2 8LH and to the homeowner.
2. Publish the revised version of the Written Statement of Services on its website.
3. Provide to the homeowner at their own expense and not at the expense of the homeowner: full written details of the Insurance Policies, including a full

explanation of the apportioning of excesses and full disclosure of any commission, administration fee, rebate or other payment of benefit you receive from insurance companies.

4. Provide to the homeowner at their own expense and not at the expense of the homeowner: full details, excluding any commercially sensitive information, all tendering documentation in respect of the appointment of contractors in respect of maintenance and services provided at the development.
5. Pay to the homeowner from their own funds the sum of £75 as compensation for her time, effort and inconvenience in making the application.

"... (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 notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the Homeowner Housing Panel's office by no later than fourteen days after the date that the Decision and this notice 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 ("PFEO") 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.

David Preston

Chairperson Signature

Date... 14-10-15