



**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/13/0270

Re: Property at 23 Bowbutts Brae, Strachan, Banchory AB31 6PG ("the property")

The Parties:

MR MARTIN WYLIE, residing at the property ('the homeowner')

**PEVEREL SCOTLAND LIMITED, 183 St Vincent Street, Glasgow G2 5QD ('the
property factor')**

Committee members:

**David M Preston (Chairman); Susan Shone (Housing Member); and Douglas McIntyre
(Housing Member) ("the Committee")**

**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”):

1. Within two weeks of the issue of the PFEO to follow hereon, the Factor will amend their Statement of Services to clarify:
 - a. The basis upon which Additional Services are to be charged and calculated.

- b. The basis upon which the level of any delegated authority to allow them to act without reference to the owners is to be agreed with owners. Alternatively statement that no delegated authority will apply.

And will thereafter re-issue the amended Statement of Services to all owners of the Properties in the development of which the property forms part.

2. Within two weeks of the issue of the PFEO to follow hereon, the Factor will provide to the Homeowner full copies and details of: insurance documentation; and landscaping tender information as requested by the Homeowner, all at no charge to the Homeowner.
3. Within two weeks of the issue of the PFEO to follow hereon, the Factor will provide to the Homeowner a written acknowledgement of their error in referring to a "committee" in their email of 7 June 2013 to Richard Hughes and an apology for that error.
4. The Factor will arrange for the removal of tree branches which interfere with overhead cables. The branches will be removed within one month of the date of issue of the PFEO to follow hereon an all expense incurred in connection with the removal will be borne by the Factor.
5. Within two weeks of the issue of the PFEO to follow hereon to issue a written apology to the Homeowner for failing to escalate the Homeowner's complaint in accordance with their stated complaints procedure.
6. Within two weeks of the issue of the PFEO to follow hereon to make payment to the Homeowner of the sum of £62.75 being a sum equivalent to one full year's management fee by way of compensation for the Factors failure is to comply with the Code and the factor's duties.

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 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 21 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

Signed _____

Date 20 - 9 - 14

Chairperson