



**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**

**Richard Thomas, 11 Amethyst Court, Chelmscote Road, Solihull, West Midlands  
B92 8BY ("the Applicant")**

**Factor4You, 10 River Court, 5 West Victoria Dock Road, Dundee DD1 3JT ("the Respondent")**

**Reference No: HOHP/PF/14/0006**

**Re: Property at 16 Chandlers Lane, Dundee DD1 3DH.  
("the Property")**

**Committee Members:**

John McHugh (Chairman); Ahsan Khan and Mary Lyden (Housing Members).

**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 ("PFEO"):

*"Within 28 days of the date of the communication to the Respondent of this property factor enforcement order, the Respondent must:*

- 1 *Accept that its appointment as factor of the Development has been validly terminated by the proprietors of properties within the Development by the process which culminated in the Applicant's letter to the Respondent of 20 September 2013;*

- 2 *Make a payment to the Applicant of £150 in recognition of the stress and inconvenience caused to him as a result of the Respondent's failings;*
- 3 *Send by post to the proprietors of each and every property in the Development a copy of the Committee's Decision and this PFEO.*
- 4 *Provide evidence of compliance with paragraph 3 above by sending to the office of the Homeowner Housing Panel Certificates of Posting issued by Royal Mail."*

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:** 10 September 2014