



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

Ref: HOHP/PF/14/0203

Re: Property at 23 Scotsraig Apartments, Boat Road, Newport-on-Tay, Fife, DD6 8EU ("the Property")

Parties: Mr William Docherty residing at 23 Scotsraig Apartments, Boat Road, Newport-on-Tay, Fife, DD6 8EU ("the Homeowner")

Sheltered Housing Management Ltd, a company incorporated under the Companies Acts and having their registered office at 13 Ward Road, Dundee ("the Factor")

Committee members:

Ewan K Miller (Chairperson and Legal Member); Mrs Sara Hesp (Surveyor Member); and Carolyn Hirst (Housing Member).

This notice 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 ("PFEKO"):

1. Within 3 months from the date of communication to the Factor of this PFEKO, the Factor must:
 - a. Produce termination accounts following the termination of the Factor's appointment on 30 April 2014 compliant with the terms of Section 3.1 of the Code of Conduct for Property Factors. The said termination accounts must be provided to the Homeowner.
 - b. Produce annual accounts for the period of the Factor's appointment following their registration as Factor on 13 March 2013. The said termination accounts must be provided to the Homeowner.
 - c. Should the Factor so elect, the Committee do not object if the Factor wishes to produce one consolidated set of accounts for the period from 13 March

2013 to 30 April 2014 to comply with the obligations set out and (a) and (b) above. The said consolidated accounts must be provided to the Homeowner.

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 **14 days** after the date that the Decision and this notice is intimidated 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.