



## **PROPOSED Notice of Property Factor Enforcement Order**

HOHP reference: HOHP/LM/14/0074

Re:     Property at Moorefield Estate, Kilmarnock, Ayrshire ("the Property")

The Parties:-

Ms Lynn Dunn, residing at 8 Dunnottar Drive, Kilmarnock, Ayrshire, KA1 2RZ ("the Homeowner")

And

Meadfleet Limited, having a place of business at Suite 1, 3<sup>rd</sup> Floor, Southgate House, St. Georges Way, Stevenage, Herts, SG1 1HG ("the Factor")

### **Decision by a Committee of the Homeowner Housing Panel in an application under Section 17(1) Property Factors (Scotland) Act 2011 ("the Act")**

#### **Committee Members:**

Andrew Cowan (Chairperson)  
Mary Lyden (Housing Member)

**This Notice should be read in conjunction with the Decision dated 13 May 2015 under reference HOHP/LM/14/0074.**

1. By decision of 13<sup>th</sup> May 2015, the Committee determined that the Factors have breached their duties in terms of Section 19(1) of the 2011 Act in that they have failed to comply with Sections 1, 2.2, 2.5, 3.3 and 7.2 of the Code of Conduct for Property Factors as required by Section 14 (5) of that Act, all as further specified in that decision.
2. In accordance with Section 19 (3) of the 2011 Act, having been satisfied that the Factors have failed to comply with the Code of Conduct, the Committee must make a Property Factor Enforcement Order. Before making an Order, to comply with Section 19(2) of the Act, the Committee, before proposing an Order, must give notice of the proposal to the Factor and must allow the parties an opportunity to give representations to the Committee.
3. The intimation of this Notice of Property Factor Enforcement Order to the parties should be taken as notice for the purposes of Section 19(2)(a) and the 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 decision is intimated to them.

4. If no representations are received within that timescale, then the Committee will proceed to make a Property Factor Enforcement Order in the following terms without seeking further representations from the parties.
5. Therefore, the Committee proposes to make the following Property Factor Enforcement Order:-

(a) within 28 days of the date of communication to the Factor of the Property Factor Enforcement Order the Factor must :-

- (i) take such action as are necessary to write off, within their accounts for the property, the sum £596.90, being the sum claimed by the Factor as due by the Homeowner and referred to in the letter from the Factor's solicitor to the Homeowner dated 29 April 2014; and
- (ii) to write to the Homeowner to confirm that such action has been taken and to confirm to the Homeowner that the sum of £596.90 as previously claimed by the Factor is no longer due to the Factor by the Homeowner.

#### **Right of Appeal**

The parties' attention is drawn to Section 22 of the 2011 Act regarding their right to appeal and the time limit for doing so. It provides "(1) An appeal on a point of law only may be made by summary application to the Sheriff against a decision of the president of the Homeowner Housing Panel or a Homeowner Housing Committee; (2) An appeal under subsection (1) must be made within 21 days beginning with the date on which the decision appealed against is made..."