



Notice of Proposal

of the Homeowner Housing Committee

Under section 19(2)(a) of the Property Factors (Scotland) Act 2011

Hohp ref:HOHP/PF/15/0035

Re:

9 Kirkton Drive, Burntisland, Fife, KY3 0DD ('the Property')

The Parties:

Steven Murray residing at 9 Kirkton Drive, Burntisland, Fife, KY3 0DD ('the homeowner')

Collinswell Land Management Limited, Collinswell House, Aberdour Road, Burntisland, Fife, KY3 0AE('the factor')

NOTICE TO THE PARTIES

Whereas in terms of their decision dated August 2015, the Homeowner Housing Committee decided that the factor had failed to comply with Sections 2.1; 2.5; 3.3; 3.5a; 4.9 and 7.2 of the Code of Conduct and duties of the property factor, all as stated in the said decision; The Committee proposes to make a property factor enforcement order in the following terms:

'Within 28 days of the communication to the factor of the Property Factor Enforcement Order:

- 1. The factor is required to issue a letter of apology to the homeowner. The letter must apologise to the homeowner for releasing inaccurate account information in a public forum.*
- 2. The factor is required to provide a full and vouched accounting for the period they were factors including: (i) an explanation of how the quarterly advance payments were spent (ii) correcting the wrongly deducted charge of £35 (iii) including any carry forward and (iv) the status of the deposit.*
- 3. The factor must pay the homeowner £200 for the inconvenience he had suffered from their own funds and at no cost to the owners. The said sum to be paid within 28 days of the communication to the factor of the Property Factor Enforcement Order.'*

Both the homeowner and the factor are invited to make representations to the Committee on this Notice of Proposal. The parties must make such representations in writing to the Homeowner Housing Panel by no later than 14 days after the notification to them of this Notice.

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.

Signed Date 18th August 2015

Chairperson