



Property Factor Enforcement Order

of the

Homeowner Housing Committee ("the Committee")

Under Section 19(3) of the Property Factors (Scotland) Act 2011

Case 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')

PEVERIL 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.

WHEREAS in terms of its decision dated 20 September 2014, the Homeowner Housing Committee determined that the Factor had failed to comply with the Property Factor Code of Conduct all as stated in the decision, and, having given Notice of the Proposed Property Factor Enforcement Order by Notice dated 20 September 2014 and having received no representations thereon, HEREBY makes a Property Factor Enforcement Order as follows:

1. Within two weeks of service of this PFEKO, 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.
2. Within two weeks of service of this PFEKO, 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 service of this PFEO, 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 service of this PFEO. All expense incurred in connection with the removal will be borne by the Factor.
5. Within two weeks of service of this PFEO 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 service of this PFEO 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 Factor's failure is to comply with the Code and the factor's duties.

The Parties are given a right of appeal on a point of law against this decision and Order by means of a Summary Application to the Sheriff made within 21 days beginning with the date when the decision is made. All rights of appeal are under section 22(1) of the Act.

Signed ..

David M Preston, Chairperson

20 - 10 - 14