



**Decision of the Homeowner Housing Committee
in an application under section 17 of the Property Factors
(Scotland) Act 2011**

PROPERTY FACTOR ENFORCEMENT ORDER

Case Reference Number: HOHP/15/0068

1/1, 75 Acre Road, Glasgow, G20 0TL ('the Property')

The Parties:

Malcolm McCallum residing at 4 East Mayfield, Edinburgh, EH9 1SD ('the Homeowner')

Your Place, Wheatley Group, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL ('the Factor')

Committee members:

Jacqui Taylor (Chairperson) Robert Buchan (Surveyor Member) and Ahsan Khan (Housing Member).

The Homeowners Housing Committee ('the Committee'), having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the property factor's duties in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the factor has not complied with the duties of the Property Factor.

The Committee intimated to the parties, in terms of their said decision dated 27th April 2016, that they proposed to make a Property Factor Enforcement Order. As no representations have been received from the parties in relation to the proposed Property Factor Enforcement Order the Committee make the following Property Factor Enforcement Order:

'The Factor must:

- 1. Provide the Homeowner with an amended written Statement of Service clearly explaining the details of the group heating system and the common and individual parts of the system; how the fuel charges are calculated and apportioned; who is responsible for repairs to radiators and common parts of the group heating system and the circumstances in which the Homeowner can instruct his own contractors to repair or replace radiators within his own properties.**

2. Pay the homeowner £75 for the inconvenience he had suffered from their own funds and at no cost to the owners.

The said sum to be paid within 3 months of the communication to the factor of the Property Factor Enforcement Order.'

Appeals

The parties' attention is drawn to the terms of section 21 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 homeowner housing committee.
- (2) An appeal under subsection (1) must be made within a period of 21 days beginning with the day on which the decision appealed against is made.

Jacqueline Taylor

Signed .. . Date 23rd May 2016

Chairperson