



**DETERMINATION BY HOMEOWNER HOUSING COMMITTEE  
STATEMENT OF DECISION OF THE HOMEOWNER HOUSING  
COMMITTEE  
UNDER**

**THE HOMEOWNER HOUSING PANEL (APPLICATIONS AND DECISIONS)  
(SCOTLAND) REGULATIONS 2012 (the "Regulations")**

Ref: HOHP/PF/13/0266

**Re 7 York Street, Clydebank G81 2PH (the "Property")**

**The Parties:-**

David Hopkirk, 107 Attlee Avenue, Linnvale, Clydebank G81 2SF (the "Homeowner")

West Dunbartonshire Council, Garshake Road, Dumbarton G82 3PU (the "Factor")

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

**Committee Members**

Jamie Millar (Chairman) and Richard Burnett (Surveyor Member).

This decision should be read in conjunction with the decision of the Committee dated 21 February 2014.

In that decision, the Committee indicated that it proposed, for the reasons stated in the decision, to make a Property Factor Enforcement Notice and, as required by Section 19(2)(b) of the Act, gave the parties a period of fourteen days from the date of intimation to them of the Committee's decision within which to make representations. No representations were received from either the Homeowner or the Factor within that period.

**Decision**

No representations having been made, the Committee decided to make the Property Factor Enforcement Order in the terms proposed in the Committee's decision of 21 February 2014.

The decision was unanimous.

**Property Factor Enforcement Order**

Within six weeks from the date of issue of the Property Factor Enforcement Order the Factor must:-

- a) Provide to the Homeowner responses to his letters of 30 July 2013 and 16 August 2013 containing the information required to

remedy the breaches of sections 2.5, 3.3 and 6.3 of the Property Factor's Code of Conduct;

- b) cancel the invoice for cleaning and renewing the gutter raised on 28 September 2012 as its records of this repair are incomplete and issue a credit note to the Homeowner or reimburse the Homeowner if this invoice has been paid.

Failure to comply with a Property Factor Enforcement Order may have serious consequences and may constitute an offence.

#### **Right of Appeal**

The parties' attention is drawn to the terms of Section 22 of the Act regarding their right to appeal and the time limit for doing so. Section 22 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 the period of 21 days beginning with the day on which the decision appealed against is made..."

**Jamie Millar**

**Chairman**

25/3/2014

**Date**