



**Certificate of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012**

Hohp ref: HOHP/PF/13/0063

Re: Property at Flat 3, 23 Hyndland Road, Glasgow G12 9UZ ('the property')

**The Parties:-**

**Mr Euan MacLeod, Flat 3, 23 Hyndland Road, Glasgow G12 9UZ ("the applicant")**

**Hacking and Paterson Management Services, 1 Newton Terrace, Glasgow G3 7PL ("the respondent")**

**Certificate of Compliance with Property Factor Enforcement Order dated 11<sup>th</sup> November 2013 in terms of Section 19(3) of the Property Factors (Scotland) Act 2011.**

**Committee Members:-**

Sarah O'Neill (Chairperson)

George Campbell (Surveyor member)

Susan Brown (Housing member)

**Decision of the committee**

The homeowner housing committee, having determined that the Property Factor Enforcement Order ('PFEO') relating to the property dated 18 November 2013 has been complied with, certifies that the respondent has complied with the PFEO.

**Reasons for decision**

1. On 18 November 2013, the committee issued a PFEO requiring the respondent, within 28 days of the date of communication to the respondent of the PFEO, to:

- i. Refund to the homeowner the quarterly management fee paid to the respondent for each of the three quarters from September 2012 – May 2013, together with an explanation of how this figure was calculated or if this sum has already been repaid to the applicant, provide evidence of this having been

done.

- ii. Make payment to the applicant of £100 in recognition of the stress and inconvenience caused to him by the respondent's failure to comply with its duties under sections 2.1 and 7.2 of the code.
  - iii. Issue a formal written apology to the applicant in respect of the respondent's failure to comply with its duties under sections 2.1 and 7.2 of the code.
2. By letter dated 25 November, the respondent wrote to the committee with a copy of its letter to the applicant attaching a statement of accounts showing the refund of three quarters' management fee for his property, enclosing a cheque for £100 and apologising for its failures to comply with sections 2.1 and 7.2 of the code. The applicant confirmed to the committee by email dated 16 December that the respondent had complied with the PFEO.
3. The committee is therefore satisfied that the respondent has complied with the terms of the PFEO. It therefore issues this certificate of compliance. No further action is therefore required by the respondent in terms of the PFEO.

#### **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. 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 the period of 21 days beginning with the day on which the decision appealed against is made.

More information regarding appeals can be found in the information guide produced by the homeowner housing panel. This can be found on the panel's website at:

<http://hohp.scotland.gov.uk/prhp/2649.325.346.html>

Sarah O'Neill

Signed .....

Dated ..... 8/1/14 .....

Chairperson