



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

Hohp ref: HOHP/PF/13/0080

**Re: Property at 2/1, 19 Rupert Street, Glasgow, G4 9AP (collectively “the
Property”)**

The Parties:-

**Yoginder Malhotra, 251 Great Western Road, Glasgow, G4 9EG (“the
Applicant”)**

**Walker Sandford Property Management Limited, St Georges Buildings, 5
St Vincent Place, Glasgow, G1 2DH (“The Respondent”)**

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

Committee Members:

**Patricia Anne Pryce (Chairperson); Elizabeth Dickson (Housing Member);
A. Scott Campbell (Housing Member).**

This document should be read in association with our decision dated 22nd November 2013.

In our decision, we proposed to make a property factor enforcement order.

We indicated that prior to making such an order, we would provide the parties with a period of fourteen days within which to make representations under s19 (2) (b) of the Act.

Our decision was intimated to the parties on 22nd November 2013.

No representations have been received from either party as at 9th December 2013.

Given the above, we are of the opinion that we require to make a property factor enforcement order in the terms originally proposed by us.

Our decision is unanimous.

Reasons for Decision

We consider that, having decided that the Respondent has failed to comply with its duties under section 14 of the 2011 Act, we are obliged by Section

19(3) of the Act to make a property factor enforcement order.

Property Factor Enforcement Order

We hereby make the following property factor enforcement order:-

Within 28 days of the date of communication to the Respondent of the property factor enforcement order, the Respondent must:

1. Issue an apology to the Applicant in respect of the Respondent's various failures which amounted to breaches of the Code and of the property factor's duties, in particular addressing the level of stress and upset this has caused the Applicant and his wife.
2. Make a payment to the Applicant of £1,000 in recognition of the extreme stress and upset this has caused the Applicant and his wife over the past four years, recognising the total failure of the Respondent to respond to complaints and compensating the Applicant for the wholly unjustified legal action taken against him in respect of the Notice of Potential Liability.
3. Remove the £12 charge for the pre court action letter together with all other statutory charges and interest charged thereon and credit the Applicant's account with this sum showing a nil balance due by the Applicant.
4. To carry out all steps necessary to remove the Notice of Potential Liability from the Applicant's property, with all necessary costs to be borne by the Respondent.
5. Provide documentary evidence to the Committee of the Respondent's compliance with the above Property Factor Enforcement Order by sending such evidence to the office of the Homeowner Housing Panel by recorded delivery post.

Failure to comply with an enforcement order may have serious consequences and may constitute an offence.

Appeals

Parties' attention is drawn to the terms of Section 22 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 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."

Signed.....
Patricia Pryce
Chairperson

19th December 2013