



**Notice of proposal to make a Property Factor Enforcement Order made under
Section 19(2)(a) of the Property Factors (Scotland) Act 2011 ("the Act")
following upon a Decision of the Homeowner Housing Committee in an
application under Section 17(1) of the Act**

Reference: HOHP/PF/15/0020

Re: 22 Derby Wynd, Carfin, Motherwell ML1 4GE (the Property)

The Parties:

Miss Ann-Marie McPolin, 22 Derby Wynd, Carfin, Motherwell ML1 4GE (the homeowner).

FirstPort property Services Scotland limited, 183 St Vincent Street, Glasgow, G2 5QD ("the property factor").

Committee Members

Martin McAllister (Chairperson) and Ann MacDonald (Housing Member).

This document should be read in conjunction with the Committee's Decision under Section 19(1) (a) of the Act of the same date.

The Committee proposes to make the following Property Factor Enforcement Order ("PFEO")

That the property factor makes a payment to the homeowner of £250 in respect of compensation and in recognition of the inconvenience experienced by the homeowner and that such compensation be paid within twenty one days of service of this property factor enforcement order upon the property factor.

Section 19 of the 2011 Act provides as follows:

"... (2) In any case where the committee proposes to make a property factor enforcement order, they must before doing so...

- (a) give notice of the proposal to the property factor, and
- (b) allow the parties an opportunity to make representations to them.

(3) If the committee are satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, the committee must make a property factor enforcement order..."

The intimation of the Committee's Decision and this notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the Homeowner Housing Panel's office by no later than twenty one days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the Committee is likely to proceed to make a property factor enforcement order ("PFEO") without seeking further representations from the parties.

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

Chairperson Signature

Martin J. McAllister

Date 17th June 2015