



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

**Reference:** HOHP/PF/15/0022

**Property:** Flat 3/2, 22 Sword Street, Dennistoun, Glasgow G31 1TD ("the Property")

**The Parties:-**

**Miss Nancy O'Neill, residing at the Property ("the Homeowner")**

**and**

**Charles White Limited, Citypoint, 65 Haymarket Terrace, Edinburgh, EH12 5HD ("the  
Factors")**

**Certificate of Compliance with Property Factor Enforcement Order dated 13 April 2015  
in terms of s 19(3) of the Property Factors (Scotland) Act 2011**

**Committee Members:**

Maurice O'Carroll (Chairman)  
David Godfrey (Surveyor Member)  
Helen Barclay (Housing Member)

**Decision of the Committee**

The Homeowner Housing Committee, having determined that the Property Factor Enforcement Order ("PFEO") relating to the Property dated 31 August 2015, issued following a decision of the Committee dated 4 August 2015, has been complied with, certifies that the Factor has complied with the PFEO.

**Reasons for the decision**

1. By decision dated 4 August 2015, the Committee determined that the Factors had breached its duties in terms of s 17(1)(b) of the 2011 Act in that it had failed to comply with sections 2.5 and 6.1 of the Code of Conduct for Property Factors all as further specified within the said decision, as required by s 14(5) of that Act. It issued a Notice of PFEO on the same date.
  
2. Having allowed the parties an opportunity to give representations to the Committee, on 1 September 2015, the Committee issued a PFEO requiring the Factor within 28 days of the date of the communication to:

- i. Reimburse the management fees paid by the Homeowner to the Factors during the six month period from 28 November 2014 to 27 May 2015 in recognition of its failure to comply with its factor duties during that period.
  - ii. Provide documentary evidence of compliance to the Homeowner Housing Panel with the above Orders within 7 days of having done so by recorded delivery post.
3. By letter dated 18 September 2015, the Factors wrote to the Committee confirming that they had sent a cheque for £246.26 to the Homeowner, by way of repayment of management fees for the period 2 March 2012 to 1 March 2015. The letter explained that no management fees had in fact been charged between the dates of 2 March and 31 May 2015.
4. The Committee is satisfied that the Factors have complied with the terms of the PFEO. It therefore issues this certificate of compliance. No further action is therefore required by the Factors in terms of the PFEO.

#### **Right of Appeal**

The parties' attention is drawn to the terms of s 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 date 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>

Maurice O'Carroll

**Signed:**

Chairperson

**Date:** 26 September 2015