



## **Preliminary Directions 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:-**

**Mr Yoginder Malhotra, 251 Great Western Road, Glasgow G4 9EG ("the Homeowner")**

**Walker Sandford Property Management Limited, St Georges Buildings, 5 St Vincent Place, Glasgow G1 2DH ("the Factors")**

In terms of Regulation 13 the Committee on its initiative has decided to issue the following Direction:-

1. The factors are required to produce the Deed of Conditions relative to the property at 19 Rupert Street, Glasgow G4 9AP to which they refer in their response.
2. The factors are required to produce all of the appendices referred to within the Statement of Service which they have submitted to the HOHP.
3. The factors require to clarify and confirm all of the dates of the letters to the applicant which they have submitted to the Committee as the dates of the letters are incomplete.
4. The factors require to specify upon which part of the Late Payment of Commercial Debt Act 1998 they are relying in relation to the additional charges they have levied against the applicant and that by referring to the specific sections of that Act upon which have relied.
5. The factors are required to produce a copy of their terms and conditions which are referred to as being included on the back of the factors' invoices and to which they refer in their response to the Committee.
6. The factors are required to produce a copy of the pre-court action letter referred to in their invoice of 15th March 09.
7. The applicant is required to produce a copy of his title deeds relative to the property at 19 Rupert Street, Glasgow G4 9AP.
8. In the response by the factors received by the HOHP on 5 August 2013, the factors state that as the job complained about by the applicant was before the Factors Act 2011 came into being, the applicant's complaint is not subject to the Act. The applicant is required to provide a further written submission addressing this issue, in particular, why he believes that the alleged breaches

- of the Code of Conduct should be considered by the Panel when the factors date of registration was 1<sup>st</sup> November 2012.
9. The parties both have 14 days to comply with this direction from the date of its receipt. Any of the information or submissions requested herein which are not supplied within this timescale will not be considered by the Committee.

The information and further documentation requested further to this Direction are to be intimated to the other party at the same time as they are submitted to the HOHP.

Patricia Pryce

Signed

Date 22/8/13

Chairperson