



**Decision of the Homeowner Housing Committee issued under the Homeowner
Housing Panel (Applications and Decisions) (Scotland) Regulations 2012
declining to make a Property Factor Enforcement Order**

Hohp Ref: HOHP PF/13/0061

Re: **Property at Guest Suite, 2 Millbrae Gardens, Glasgow, G42 9UY**
("the property")

The Parties:-

**MRS JEAN CONNOLLY, 8/2 Millbrae Gardens, Glasgow, G42 9UY ("the
homeowner")**

**GRANT & WILSON PROPERTY MANAGEMENT LIMITED, 65 Greendyke St,
Glasgow, G1 5PX ("the factor")**

Committee members:

**Pino Di Emidio (Chairperson)
Susan Napier (surveyor member)
John Blackwood (housing member)**

1. On 12 March 2014 the committee issued its decision on the merits of the various parts of the homeowner's application. The same abbreviations and other forms of brief reference as are used in the principal decision are also used in this document.
2. Reference is made to paragraphs 36 and 37 of the decision of 12 March 2014. The committee received representations from the factor requesting a delay in the issuing of the PFEO proposed in the decision of 12 March 2014. The stated purpose was to allow the factor to hold a meeting of the proprietors in the Millbrae Gardens development in order to inform them of the outcome of the proceedings before the committee.
3. In terms of its decision dated 24 April 2014 the committee decided to delay the issue of the PFEO in line with the request made by the factor. Further correspondence was then received advising that the factors had caused works to be carried out in line with what would have been required under the draft PFEO. The homeowner confirmed

that works had been done though she wished the committee to take certain further steps. The committee has reviewed the correspondence and associated photographs submitted to it. It has decided that no further steps require to be taken to secure the performance of the works envisaged in the draft PFEO.

4. Section 19(3) of the 2011 Act appears, on the face of it, to require that when a PFEO has been proposed it is obligatory that one should be made after representations made under section 19(2) have been considered by the committee. In the present case the committee is satisfied that the works that were specified in the draft PFEO have actually been carried out. The committee concludes that section 19(3) should be read subject to the qualification that if the need for the order has passed by the time the committee comes to decide whether to grant it then it is not obliged to do so notwithstanding the issue of a proposed PFEO at an earlier stage. Therefore in the circumstances set out above, the committee declines to make any further order in respect that the homeowner's complaint which was referred to it has been resolved and no further remedy is appropriate or necessary under the Act. This decision brings the case to a conclusion so far as the committee is concerned.

Appeals

5. The 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 date on which the decision appealed against is made..."

Pino Di Emidio

Signed.....Date... 29 September 2014.....
Chairperson