



**Statement of Decision  
to serve on the Scottish Ministers a Notice of Failure to  
Comply with a Property Factor Enforcement Order  
under Section 23 of the Property Factors (Scotland) Act 2011**

**HOHP reference: HOHP/PF/15/0044**

**Re: 22 Tabard Place, Knightswood, Glasgow G13 3XF ('the property')**

**The Parties:**

**Sam Macartney, 22 Tabard Place, Knightswood, Glasgow G13 4XF ('the homeowner');** and  
**GHA (Management) Limited, registered in Scotland under the Companies Act 1985, Registered No. SC245072, trading as YourPlace Property Management and having its Registered Office at Granite House, 177 Trongate, Glasgow G1 5HF ("the property factor")**

**Committee Members:**

George Clark (Chairman) and Brenda Higgins (Housing Member)

On 14 November 2014, the Homeowner Housing Committee ("the Committee") issued a Property Factor Enforcement Order on the Respondent in respect of the Property.

The Property Factor Enforcement Order contained the following provisions:

"Within 2 weeks of the communication to the property factor of the PFEO, the property factor shall (1) re-issue to the homeowner the Common repair consent request letter and Common Repair Consent Form, stating the correct area of the roof that requires to be repaired and provide to the Committee proof of the posting of that documentation (2) send a written apology to the homeowner for its failure to complete Stage 2 of its complaints process (3) send the homeowner a letter confirming which elements of his complaint were upheld at Stage 1 and which (if any) were not upheld and (4) pay to the homeowner the sum of £100 by way of compensation for the inconvenience and distress caused by the property factor's failure to comply with the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors."

The time allowed for compliance with the Order expired and the Homeowner Housing Panel ("HOHP") wrote to the Parties, asking them to confirm by 15 April 2016 whether or not the actions required in the Property Factor Enforcement Order had been completed. The homeowner responded on 2 April 2016 that no attempt had been made by the property factor to meet the Order and that he had had no correspondence at all from the property factor. The property factor did not respond to the letter.

## **REASONS FOR THE DECISION**

Having considered the response from the homeowner and in the absence of any response from the property factor, the Committee determined that the property factor has not complied with the terms of the Property Factor Enforcement Order and that, in terms of Section 23(2) of the Property Factors (Scotland) Act 2011, the Committee is obliged to serve notice of that fact on the Scottish Ministers.

## **APPEALS**

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 day on which the decision appealed against is made..."

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

**Signed** 

George Clark, Chairperson

**Date** 22 April 2016