



**Case Reference Number: HOHP/15/0068**

**1/1, 75 Acre Road, Glasgow, G20 0TL ('the Property')**

**The Parties:**

**Malcolm McCallum residing at 4 East Mayfield, Edinburgh, EH9 1SD ('the Homeowner')**

**Your Place, Wheatley Group, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL ('the Factor')**

**Committee members:**

**Jacqui Taylor (Chairperson) Robert Buchan (Surveyor Member) and Ahsan Khan (Housing Member).**

**CERTIFICATE OF REVOCATION OF PROPERTY FACTOR ENFORCEMENT ORDER  
DATED 23<sup>rd</sup> May 2016 ('The PFEO')**

As the Committee have determined on 7<sup>th</sup> November 2016 that the Homeowner has withdrawn his application and the Homeowner Housing Committee being satisfied that the PFEO is no longer necessary they hereby REVOKE The PFEO.

**The Homeowner or the factor aggrieved by this decision of the Homeowner Housing Committee may appeal to the Sheriff on point of law only by summary application within 21 days of being notified of that decision.**

J Taylor

Signed..

.....Date

Chairperson

30<sup>th</sup> November 2016



**Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 to accept the Homeowner's withdrawal of the application and revoke the Property Factor Enforcement Order dated 23<sup>rd</sup> May 2016, in terms of section 21(1) of the Property Factors (Scotland) Act 2011.**

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**Background**

1. The Property Factor Enforcement Order dated 23<sup>rd</sup> May 2016 (hereinafter referred to as 'PFEO') required the Factor to:-
  1. Provide the Homeowner with an amended written Statement of Service clearly explaining the details of the group heating system and the common and individual parts of the system; how the fuel charges are calculated and apportioned; who is responsible for repairs to radiators and common parts of the group heating system and the circumstances in which the Homeowner can instruct his own contractors to repair or replace radiators within his own properties.
  2. Pay the homeowner £75 for the inconvenience he had suffered from their own funds and at no cost to the owners.

*The said sum to be paid within 3 months of the communication to the factor of the Property Factor Enforcement Order.'*

2. On 13<sup>th</sup> October 2016 the Committee varied the PFEO to allow the Factor until 30<sup>th</sup> November 2016 to further amend the written statement of service to fully comply with clause 1 of the PFEO.
3. On 17<sup>th</sup> October 2016 the Homeowner sent an email to the Committee advising that he wanted to be removed from the HOHP database. The Committee considered this email to mean that the Homeowner was withdrawing his application.

#### **Decision**

4. The Committee acknowledged that in terms of section 15(3) of the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 the Homeowner may withdraw his application after it has been referred to the Committee. The Committee accepted that the application had been withdrawn by the Homeowner and determined that the PFEO was revoked as the action required by the PFEO was no longer required as the application had been withdrawn.

5. The decision of the Committee was unanimous.

#### **Appeals**

6. 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 homeowner housing committee.
- (2) An appeal under subsection (1) must be made within a period of 21 days beginning with the day on which the decision appealed against is made.'

J Taylor

Signed

Date

30<sup>th</sup> November 2016

Chairperson