



Decision

of

the Homeowner Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 23 (1) of the Property Factors (Scotland) Act 2011

Case Reference Number: HOHP/PF/13/291

Re : Property at 49 Colbreggan Gardens, Hardgate, Clydebank G81 5PB ("the Property")

The Parties:-

Yvonne McDonald, Cairnlea, 39 Cochno Road, Clydebank G81 6PT ("the Applicant")

West Dunbartonshire Council, Housing and Community Safety, Housing Environmental and Economic Development Department, Garshake Road, Dumbarton G82 3PU ("the Respondent")

NOTICE TO THE PARTIES

The Committee decides that the Property Factor Enforcement Order dated 6 June 2014 has been complied with.

By e-mails and posted correspondence issued shortly after 27 June 2014 from the Clerk to the Committee the Applicant and Respondent were invited to indicate whether the Property Factor Enforcement Order issued by the Committee dated 6 June 2014 had been complied with. By written response dated 20 July 2014 the Applicant submitted that part (2) of the Order had not been complied with. In addition the Committee were not satisfied that part (1)(a) of the Order had been complied with. The Committee issued a direction dated 20

August 2014 inviting further written submissions from the Respondent. By letter dated 5 September 2014 to the Committee the Respondent submitted an amended written statement of services which indicated compliance with part (1)(a) of the Order. This still left a question over compliance with part (2) of the Order.

By letters dated 9 October 2014 from the Clerk to the Committee the parties were informed that the question of compliance with the Order would be considered at a hearing at the Panel's office on 4 November 2014. At the hearing it was accepted that all of the Order had been complied with except for part (2). The Respondent accepted that part (2) had not been complied with and by a direction given orally at the hearing and confirmed in writing, the Committee gave the Respondent a final opportunity to comply.

By letter dated 11 November 2014 to the Committee the Respondent enclosed a statement of common charges in respect of the half year to 30 June 2014 and confirmed that the statement had been hand delivered to the Applicant. The Clerk copied the statement to the Applicant who was given until 10 December 2014 to make a response. No response was received.

The Committee considered the terms of the statement and on the basis of its terms and delivery to the Applicant were satisfied that part (2) and therefore the whole of the Order had been complied with. It made the above decision which was unanimous.

Right of Appeal

The parties are given a right of appeal on a point of law against this decision by means of a summary application to the Sheriff made within 21 days beginning with the date on which this decision is made. All rights of appeal are under section 22(1) of the Property Factors (Scotland) Act 2011.

Signed 15 December 2014

David Bartos, Chairperson