

**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0102  
&  
HOHP/PF/13/0175

35 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

**The Parties:-**

**Mr Sean Simpson, 35 Waverley Park, Kirkintilloch, Glasgow, G66 2BL  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)  
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( "the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be listed by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

- a) the Committee recalls the sist granted in respect of the applicant's two applications ( hohp/lm/13/0102 and hohp/pf/13/0175)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0102 and hohp/pf/13/0175) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

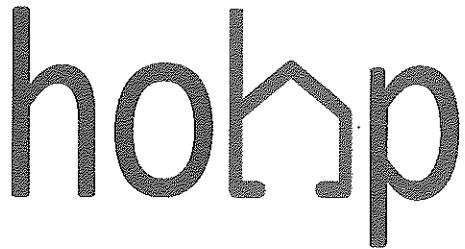
#### Appeals

12. 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..."

Jim Bauld

Signed ....  
Chairpersa

..... Date ..31 July 2014.....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0101  
&  
HOHP/PF/13/0174

34 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr Michael Gourlay & Mrs Marion Gourlay, 34 Waverley Park, Kirkintilloch, Glasgow,  
G66 2BP  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)  
Ann McDonald (Housing Member)**

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4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
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10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

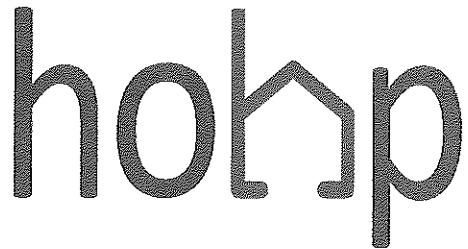
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0101 and hohp/pf/13/0174)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0101 and hohp/pf/13/0174) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0100  
&  
HOHP/PF/13/0173

33 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

**The Parties:-**

**Mrs Jennifer Hughes, 33 Waverley Park, Kirkintilloch, Glasgow, G66 2BL**  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member)**

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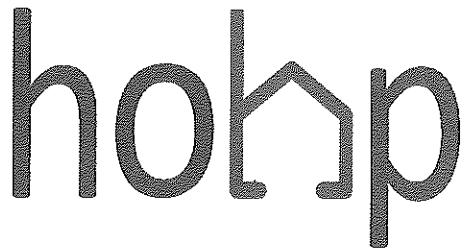
- a) the Committee recalls the sist granted in respect of the applicant's two applications ( hohp/lm/13/0100 and hohp/pf/13/0173)
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Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
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(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0099  
&  
HOHP/PF/13/0172

32 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr Steven Shepherd, 32 Waverley Park, Kirkintilloch, Glasgow, G66 2BP**  
( whose authorised representative is Mr Philip Mackie, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member)**

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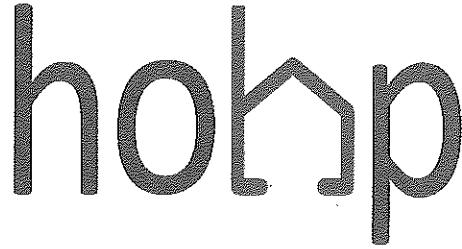
- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0099 and hohp/pf/13/0172)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0099 and hohp/pf/13/0172) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

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Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0098  
&  
HOHP/PF/13/0171

31 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

**The Parties:-**

**Mr Stephen McAdam, 31 Waverley Park, Kirkintilloch, Glasgow, G66 2BL  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)  
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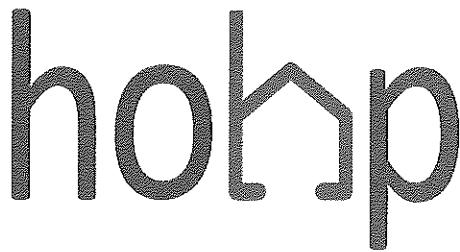
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applications**

HOHP/LM/13/0097  
&  
HOHP/PF/13/0170

30 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr Colin McGeoch, 30 Waverley Park, Kirkintilloch, Glasgow, G66 2BP**  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( "the applicant")

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE** ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")

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**Ann McDonald (Housing Member)**

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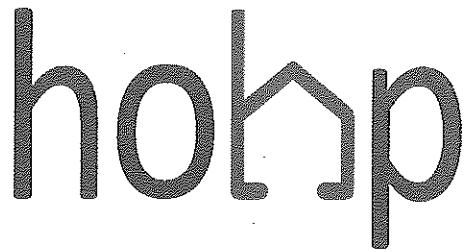
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HOHP/LM/13/0096  
&  
HOHP/PF/13/0169

29 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

**The Parties:-**

**Mr David Thomson, 29 Waverley Park, Kirkintilloch, Glasgow, G66 2BL**  
( whose authorised representative is **Mr Philip Mackle, 57 Waverley Park, Kirkintilloch**)  
( "the applicant")

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE** ( whose  
authorised representative is **Mr David Doig, Solicitor, Glasgow**) ("the respondent")

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case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be listed by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

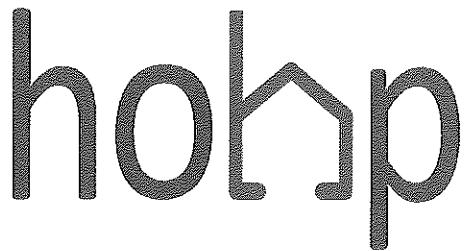
- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0096 and hohp/pf/13/0169)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0096 and hohp/pf/13/0169) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0095  
&  
HOHP/PF/13/0168

28 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr David Russell & Mrs Lorna Russell, 28 Waverley Park, Kirkintilloch, Glasgow,  
G66 2BP  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)  
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( “the Regulations”).
  
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch (“the development”).

3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackie ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be listed by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

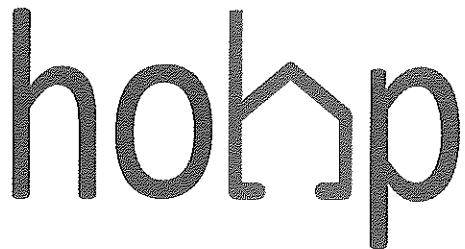
- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0095 and hohp/pf/13/0168)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0095 and hohp/pf/13/0168) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0094  
&  
HOHP/PF/13/0167

27 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

**The Parties:-**

**Mr Howard Elliot, 27 Waverley Park, Kirkintilloch, Glasgow, G66 2BL**  
( whose authorised representative is Mr Philip Mackie, 57 Waverley Park, Kirkintilloch)  
( "the applicant")

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( "the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

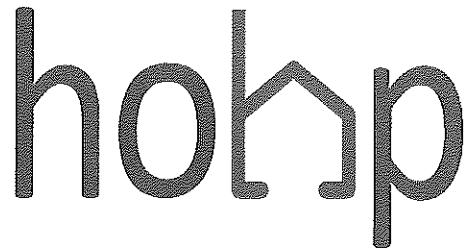
- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0094 and hohp/pf/13/0167)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0094 and hohp/pf/13/0167) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0093  
&  
HOHP/PF/13/0166

26 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mrs Agnes Mooney, 26 Waverley Park, Kirkintilloch, Glasgow, G66 2BP**  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( "the applicant")

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE** ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( "the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

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5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

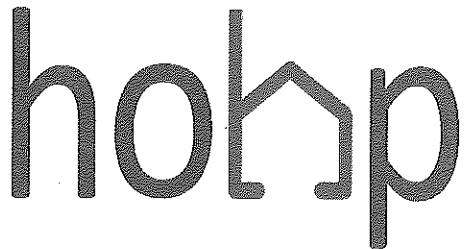
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0093 and hohp/pf/13/0166)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0093 and hohp/pf/13/0166) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson ....., Date 31 July 2014.....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0092  
&  
HOHP/PF/13/0165

25 Waverley Park, Kirkintilloch, Glasgow, G66 2BL

**The Parties:-**

**Mr Fraser McKay, 25 Waverley Park, Kirkintilloch, Glasgow, G66 2BL**  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( "the applicant")

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( "the Regulations").
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case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

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5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
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10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

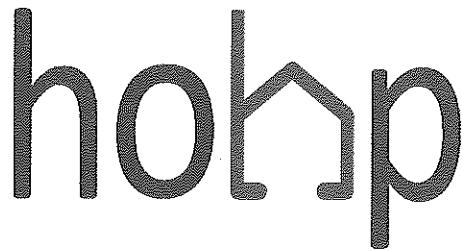
- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0092 and hohp/pf/13/0165)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0092 and hohp/pf/13/0165) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0091  
&  
HOHP/PF/13/0164

24 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr William Marlin & Mrs Lorraine Marlin, 24 Waverley Park, Kirkintilloch, Glasgow,  
G66 2BP  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)  
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( "the Regulations").
  
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10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

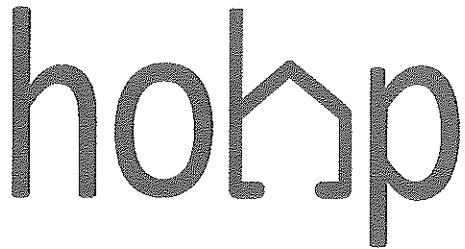
11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0091 and hohp/pf/13/0164)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0091 and hohp/pf/13/0164) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

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Signed ... ..... Date 21 July 2014.....  
Chairperson \_\_\_\_\_



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

**HOHP/PF/13/0163                  23 Waverley Park, Kirkintilloch, Glasgow, G66 2BP**

**The Parties:-**

**Mr Alex Manson, 23 Waverley Park, Kirkintilloch, Glasgow, G66 2BP ( whose  
authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch) ("the  
applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

**Committee Members**

**James Bauld (Chairperson)  
Ann McDonald (Housing Member )**

1. This document is intended to deal with the case listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ("the Regulations").
2. This application is made under Section 17(2) of the Act and is detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
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6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be listed by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.
10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property

factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted application of the applicant will be dealt with as follows:-

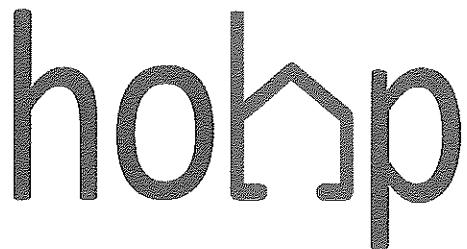
- a) the Committee recalls the sist granted in respect of the applicant's application ( hohp/pf/13/0163)
- b) the Committee rejects the applicant's complaint that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the application ( hohp/pf/13/0163) for the reasons stated in the Committee's decisions on the relevant lead application to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0090  
&  
HOHP/PF/13/0162

22 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr Ross Cumming, 22 Waverley Park, Kirkintilloch, Glasgow, G66 2BP**  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE** ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( “the Regulations”).
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch (“the development”).
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be listed by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

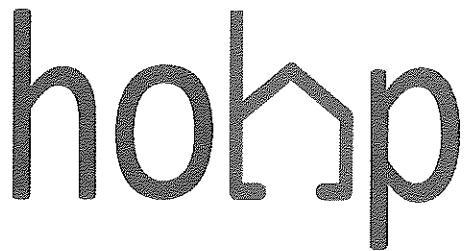
- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0090 and hohp/pf/13/0162)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0090 and hohp/pf/13/0162) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0089  
&  
HOHP/PF/13/0161

21 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr David Gray & Mrs Fiona Gray, 21 Waverley Park, Kirkintilloch, Glasgow, G66 2BP**  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE** ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( “the Regulations”).
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch (“the development”).
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

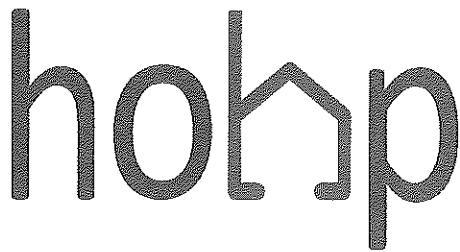
- a) the Committee recalls the list granted in respect of the applicant's two applications (hohp/lm/13/0089 and hohp/pf/13/0161)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0089 and hohp/pf/13/0161) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0088  
&  
HOHP/PF/13/0160

20 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr Edward O'Brien, 20 Waverley Park, Kirkintilloch, Glasgow, G66 2BP  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( "the applicant")**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

**Committee Members**

**James Bauld (Chairperson)  
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( "the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be listed by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

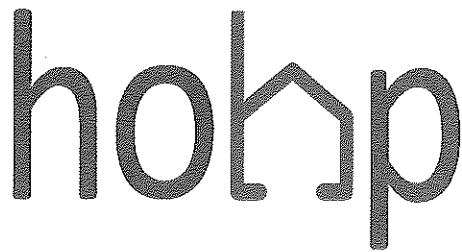
- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0088 and hohp/pf/13/0160)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0088 and hohp/pf/13/0160) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0087  
&  
HOHP/PF/13/0159

18 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr Neil Smith & Mrs Lynne Smith, 18 Waverley Park, Kirkintilloch, Glasgow, G66 2BP**  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE** ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( “the Regulations”).
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch (“the development”).
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be listed by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

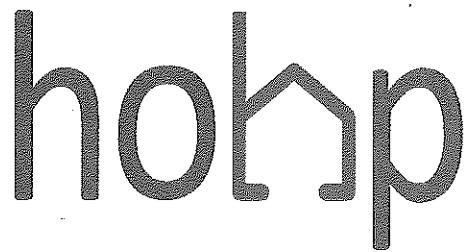
- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0087 and hohp/pf/13/0159)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0087 and hohp/pf/13/0159) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0086  
&  
HOHP/PF/13/0158

16 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr Hugh McLaren, 16 Waverley Park, Kirkintilloch, Glasgow, G66 2BP**  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( "the applicant")

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) ("the respondent")**

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( "the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
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9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

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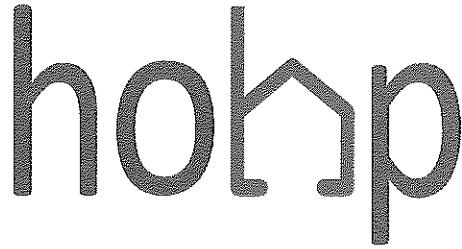
- a) the Committee recalls the sist granted in respect of the applicant's two applications ( hohp/lm/13/0086 and hohp/pf/13/0158)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0086 and hohp/pf/13/0158) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date ..3.. July 2014.....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0085  
&  
HOHP/PF/13/0157

14 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mrs Emily Mary Lawson, 14 Waverley Park, Kirkintilloch, Glasgow, G66 2BP  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)  
Ann McDonald (Housing Member)**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) (“the Regulations”).
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5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackie ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
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11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

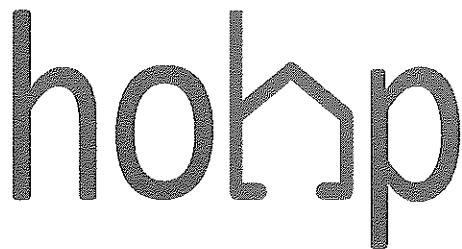
- a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0085 and hohp/pf/13/0157)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0085 and hohp/pf/13/0157) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

12. 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..."

Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0084  
&  
HOHP/PF/13/0156

12 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mrs Julie Marshall, 12 Waverley Park, Kirkintilloch, Glasgow, G66 2BP  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)**

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)  
Ann McDonald (Housing Member )**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel ("the Panel"). All references to statutory sections are to the Property Factors (Scotland) Act 2011 ("the Act") and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( "the Regulations").
2. These two applications are made under Section 17(2) of the Act and are detailed in the schedule hereto which comprise a total of 146 applications from 74 homeowners within a development situated at Waverley Park, Kirkintilloch ("the development").
3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the

case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.

4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
6. The parties agreed to be bound by the Committee's final decision on the lead applications referred to above. In the event of appeal in terms of Section 22 of the Act, the decision to be applied will be the final decision on the lead applications following appeal to the Sheriff.
7. Subsequent to the case management meeting on 19 December 2013 a Practice Direction was issued by the President of the panel which narrated the approach agreed by the parties. A copy of that Practice Direction is attached.
8. The parties agreed that the other applications not selected for determination as lead applications would be listed by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
9. On 12 June 2014 the Committee's decision in the two lead applications was issued. The statutory time limit for an appeal to the Sheriff has now expired.

10. The Committee rejected the homeowner's complaint of failure to comply with the Property Factor's Code of Conduct and failure to carry out property factor's duties. They did not uphold the complaints of the homeowner Mr Philip Mackle in either of the lead applications. The reasons for the committee's decisions and the findings in fact for each case are set out in full in the decisions in the two lead applications to which reference is made. Copies of these decisions on the lead applications are attached.

11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the sisted applications of the applicant will be dealt with as follows:-

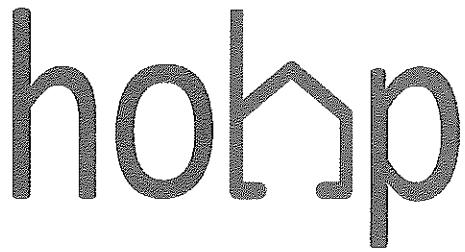
- a) the Committee recalls the sist granted in respect of the applicant's two applications ( hohp/lm/13/0084 and hohp/pf/13/0156)
- b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0084 and hohp/pf/13/0156) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

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Signed .....  
Chairperson

..... Date 31 July 2014 .....



**Decision of the Homeowner Housing Committee issued under  
the Homeowner Housing Panel (Applications and Decisions)  
(Scotland) Regulations 2012 in respect of the undernoted  
applications**

HOHP/LM/13/0083  
&  
HOHP/PF/13/0155

10 Waverley Park, Kirkintilloch, Glasgow, G66 2BP

**The Parties:-**

**Mr Bryan Owen & Mrs Catherine Owen, 10 Waverley Park, Kirkintilloch, Glasgow, G66 2BP**  
( whose authorised representative is Mr Philip Mackle, 57 Waverley Park, Kirkintilloch)  
( “the applicant”)

**Speirs Gumley Property Management, 194 Bath Street, Glasgow, G2 4LE ( whose  
authorised representative is Mr David Doig, Solicitor, Glasgow) (“the respondent”)**

**Committee Members**

**James Bauld (Chairperson)**  
**Ann McDonald (Housing Member )**

1. This document is intended to deal with the two cases listed above in which the applicant has made applications to the Homeowner Housing Panel (“the Panel”). All references to statutory sections are to the Property Factors (Scotland) Act 2011 (“the Act”) and all references to regulations are to the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012 (SSI 2012 No. 180) ( “the Regulations”).
  
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3. On 19 December 2013 a case management meeting took place at the offices of the Panel. The meeting was chaired by the President of the Panel. At the case management meeting the President proposed a method of dealing with all 146 applications, which proposal was agreed by the parties via their authorised representative and approved by the chairperson of the Homeowner Housing Committee to which the 146 application are referred.
4. It is acknowledged that the 146 applications fall into two categories, these categories being applications dealing with a property management/service complaint and applications dealing with a float handling complaint.
5. With the agreement of the parties, two applications have been selected to be heard as lead applications by a Homeowner Housing Committee ("the committee"). One lead application to be selected from each category of complaint. The two selected applications being the applications by the homeowner Mr Philip Mackle ("the homeowner") reference numbers HOHP/LM/13/0121 and HOHP/PF/13/0194, ("the lead applications").
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8. The parties agreed that the other applications not selected for determination as lead applications would be listed by the Committee pending the determination of the lead applications. On conclusion of the proceedings relating to the lead applications or at conclusion of any appeal proceedings following thereon the lead applications, the final decisions to be applied will be in accordance with the Practice Direction referred to before.
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11. In accordance with the outcomes in respect of the lead cases and in terms of the President's Practice Direction the committee now determines that the listed applications of the applicant will be dealt with as follows:-

a) the Committee recalls the list granted in respect of the applicant's two applications ( hohp/lm/13/0083 and hohp/pf/13/0155)

b) the Committee rejects the applicant's complaints that the respondents failed to carry out property factor's duties and to comply with the Code of Conduct referred to in the two applications (hohp/lm/13/0083 and hohp/pf/13/0155) for the reasons stated in the Committee's decisions on the lead applications to which reference is made.

#### Appeals

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Signed .....  
Chairperson(

..... Date 31 July 2014.....