



**Notice of proposal to make a Property Factor Enforcement Order made under
Section 19(2)(a) of the Property Factors (Scotland) Act 2011 ("the Act")
following upon a Decision of the Homeowner Housing Committee in an
application under Section 17(1) of the Act**

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')

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")

Decision by a committee of the Homeowner Housing Panel in an application under section 17 of the Property Factors (Scotland) Act 2011('the Act')

Committee members:

George Clark (chair) and Brenda Higgins (housing member)

This document should be read in conjunction with the Committee's Decision under Section 19(1)(a) of the Act of the same date.

The Committee proposes to make the following Property Factor Enforcement Order ("PFEO"):

"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. "

Section 19 of the Act provides as follows:

"... (2) In any case where the committee proposes to make a property factor enforcement order, they must before doing so...

- (a) give notice of the proposal to the property factor, and*
- (b) allow the parties an opportunity to make representations to them.*

(3) If the committee are satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14 duty, the committee must make a property factor enforcement order..."

The intimation of the Committee's Decision and this notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the Homeowner Housing Panel's office by no later than 14 days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the Committee is likely to proceed to make a property factor enforcement order ("PFEO") without seeking further representations from the parties.

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

George Clark

Chairperson Signature ...

Date 14 November 2015