



**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/15/0117

Re: 3/2 12 West Princes Street, Rothesay, Bute PA20 9AF ('the property')

The Parties:

Mrs Wendy Marshall, 22A Pepler Avenue, Salter Point, Perth 6152, Western Australia ('the homeowner')

Bute Factors Ltd, 53 Victoria Street, Rothesay, Isle of Bute, PA20 0AP ('the property factor')

The Homeowner Housing Committee: Martin McAllister, legal member and Liz Dickson, 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")

The Committee proposes that a property factor enforcement order be made in the following terms:

- 1. The property factor requires to amend the statement of services issued to homeowners at 10-16 West Princes Street, Rothesay to ensure that it complies with the Code of Conduct for Property Factors**
- 2. The property factor has to undertake to the homeowner housing panel committee that it will in future respond timeously to enquiries and complaints by homeowners and that its correspondence to homeowners will comply with the terms of the Code.**
- 3. The property factor has to undertake to the homeowner housing panel that it will, in future, obtain authority from homeowners where it is intended to charge an additional fee for services.**

4. The property factor will pay compensation of £150 to the homeowner and this will be paid within twenty eight days of the property factor enforcement order.

Section 19 of the 2011 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 twenty one 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.

Chairperson Signature

Martin J. McAllister

Date 18th April 2016