



**DETERMINATION BY THE HOMEOWNER HOUSING COMMITTEE
UNDER
PROPERTY FACTORS (SCOTLAND) ACT 2011
(the "Act")**

hohp Ref: HOHP/PF/13/0254

Re Landscape Contract Area – Holmes Park Development, Joseph Cumming Gardens, Broxburn, West Lothian (the “Landscaped Area”)

The Parties:-

Mr David McLeod, 13 Joseph Cumming Gardens, Broxburn, West Lothian EH52 5AN (the “**Homeowner**”)

Charles White Limited, Citypoint, 65 Haymarket Terrace, Edinburgh EH12 5HD (the “**Factor**”)

Decision issued under Section 19 (3) of the Property Factors (Scotland) Act 2011 (the “**Act**”) by a Committee of the Homeowner Housing Panel in an Application by the Homeowner under Section 17 of the Act.

Committee Members

Jamie Millar (Chairman) and Colin Campbell (Housing Member).

This decision should be read in conjunction with the decision of the Committee dated 31 March 2014.

In that decision, the Committee indicated that it proposed, for the reasons stated in the decision, to make a Property Factor Enforcement Notice and, as required by Section 19(2)(b) of the Act, gave the parties a period of fourteen days from the date of intimation to them of the Committee’s decision within which to make representations. No representations were received from the Factor within that period. Representations were received from the Homeowner and were noted by the Committee.

Decision

Further to the representations received from the Homeowner, the Committee decided to make the Property Factor Enforcement Order in the terms proposed in the Committee’s decision of 31 March 2014 subject to the deletion of the words “issued by the developer” where they appeared in lines 2 and 3 of the draft Property Factor Enforcement Order.

The decision is unanimous.

Property Factor Enforcement Order

Within six weeks from the date of issue of the Property Factor Enforcement Order the Factor must obtain from Lawsons Premier Groundcare or others a copy of the landscaping contract appointing Lawsons Premier Groundcare as the landscaping contractor for Holmes Park Development, Joseph Cumming Gardens, Broxburn, West Lothian together with any contract amendments and provide a copy of the landscaping contract and any amendments to the Homeowner and to the Homeowner Housing Panel at no cost to the Homeowner or to the Homeowner Housing Panel.

Failure to comply with a Property Factor Enforcement Order may have serious consequences and may constitute an offence.

Right of Appeal

The parties' attention is drawn to the terms of Section 22 of the Act regarding their right to appeal and the time limit for doing so. Section 22 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 day on which the decision appealed against is made."

Jamie Millar

Chairman

22/4/2014

Date