



Decision of the Homeowner Housing Committee issued under the Homeowner Housing Panel (Applications and Decisions) (Scotland) Regulations 2012

HOHP Reference: HOHP/PF/13/0321
PROPERTY AT FLAT 11 BLOCK 8, TAIT WYND, EDINBURGH EH15 2RJ

The Parties:-

The homeowner – Victoria Allan (“the applicant”)

The property factor – Charles White Ltd (“the respondent”)

Decision by the Committee of the Homeowner Housing Panel in an application under Section 17 of the Property Factors (Scotland) Act 2011.

Committee Members: Richard Mill (Chairperson), Charles Reid Thomas (Surveyor) and Susan Brown (Housing Member)

PROPERTY FACTOR ENFORCEMENT ORDER

On 24 March 2014 Notice was given in terms of Section 19 of the 2011 Act, of the terms of a proposed Property Factor Enforcement Order and allowed parties an opportunity to make any written submissions in relation to the proposed Order. No representations have been received.

The committee, having resumed consideration of the reference, makes the Order in the following terms:-

Upon receipt of the Order the respondent must:-

1. Immediately implement the survey report and recommendations of Site Sealants Ltd by forthwith instructing said company to carry out the work identified within their (undated) report and to ensure that said work is completed within 28 days. The costs of such to be paid for by the respondents, if the first instance, and thereafter the said costs to be recovered from all relevant proprietors in such shares as they are obliged to pay common repairs.
2. Survey, instruct and repair, at their sole cost, any internal redecoration works (including electrical supply services) required to the applicant's property as a result of water ingress, said work to be instructed as soon as reasonably practicable, and if the work cannot be completed within 28 days, then to produce the detailed proposals for such rectification works.

3. Issue a written apology to the applicant for:
 - i. failing to respond timeously to communications.
 - ii. providing false and misleading information.
 - iii. for failing to have surveyed the common parts causing water ingress to the applicant's property and their failure to organise necessary repair work.
4. Make a payment to the applicant of £500 in recognition of the anxiety, stress and inconvenience caused to her as a result of their failings.
5. Refund the management charges paid to them by the applicant from July 2012 to date.
6. Prepare a schedule of proposed staff training to ensure that all staff are fully aware of the respondent's obligations in terms of both the Code of Practice and their duties arising from the Deed of Conditions, including details of the provider of the training and timescales for the provision of training.

The property factor should note that failure without reasonable excuse to comply with the Property Factor Enforcement Order is a criminal offence in terms of Section 24 of the 2011 Act. Additionally Scottish Ministers can take any failure into account in respect of the future registration of the respondent on the register of property factors.

In terms of Section 22 of the 2011 Act, any Appeal is on a point of law only and requires to be made by Summary Application to the Sheriff. Any Appeal must be made within 21 days beginning with the day on which the Decision appealed against is made.

Richard Mill

Signed

Dated... 10/04/2014.....