



DETERMINATION BY HOMEOWNER HOUSING COMMITTEE

STATEMENT OF DECISION OF THE HOMEOWNER HOUSING

COMMITTEE

UNDER

THE HOMEOWNER HOUSING PANEL (APPLICATIONS AND DECISIONS)

(SCOTLAND) REGULATIONS 2012 (the "Regulations")

hohp Ref: HOHP/PF/13/0251

Re Flat 8/5, The Maltings, Falkirk FK1 5BX (the Dwelling-house")

The Parties:-

Mrs Patricia McLaren, Seafield, Falkirk FK1 3AH (the "Homeowner")

Property 2, 2a Northkirklands, Eaglesham Road, Glasgow G76 0NT (the "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

Jamie Millar (Chairman), Douglas McIntyre (Surveyor) and Colin Campbell (Housing Member).

This decision should be read in conjunction with the decision of the Committee dated 10 December 2013.

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 either the Homeowner or the Factor within that period.

Decision

No representations having been made, the Committee decided to make the Property Factor Enforcement Order in the terms proposed in the Committee's decision of 10 December 2013.

The decision was unanimous.

Property Factor Enforcement Order

Within six weeks from the date of issue of the Property Factor Enforcement

Order the Factor must:-

- (a) Provide the Homeowner with up to date and correct information, including the claims history required, to enable the Homeowner to obtain, for her own purposes, a quotation for the insurance of the Development;
- (b) Provide the Homeowner with detailed financial breakdowns of the Scottish Canal's charge and the insurance charge on each invoice issued by the Factor to the Homeowner since 7 December 2012;
- (c) Provide the Homeowner with clear information showing the basis upon which her share of the insurance premium is calculated, the sum insured, the premium paid, any excess which apply, the name of the insurance company providing insurance cover and the terms of the policy;
- (d) Provide the Homeowner with copies all electricity bills for the Development for which the Homeowner is or was partially responsible in the period from 7 December 2012 to the date of this Property Factor Enforcement Order and either request the supplier to read the meters for the communal electricity supply to the Development or provide meter readings to the supplier so that accurate bills for the communal electricity supply to the Development can be issued and apportioned.
- (e) Provide to the Homeowner in writing details of any commission, administration fee, rebate or other payment or benefit received by the Factor from the company providing insurance cover;
- (f) Notify the Homeowner of the frequency with which property revaluations would be undertaken for the purposes of buildings insurance;
- (g) Pay to the Homeowner the sum of £50 to reflect the inconvenience which she has suffered as a result of the failures of the Factor to comply with the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors.

Failure to comply with a Property Factor Enforcement notice 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

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Date