



WRITTEN STATEMENT TO OWNER OCCUPIERS

on the Factoring Service
provided by
Cernach Housing Association Limited

Marion McDonald House, 79 Airgold Drive, Drumchapel, Glasgow G15 7AJ

Tel: 0141 944 3860 **Email:** admin@cernachha.co.uk **Website:** www.cernachha.co.uk

Recognised Scottish Charity SCO 36607 Property Factor Registered No PF000149

INTRODUCTION

Cernach Housing Association Limited is a Housing Association operating in the northwest area of Glasgow.

The Association owes its origins to stock transfer. Since the Association's inception in 1991, we have completed four stock transfers and completed fifteen phases of improvement and new build housing providing mainstream housing for rent, sale, shared ownership, and special needs supported housing in the Kingsride Cleddans and Langfaulds areas of Drumchapel.

The Policy making body of the Association is the Management Committee.

The Property Factors (Scotland) Act 2011 introduced a Code of Conduct for Property Factors. This code requires Cernach Housing Association to provide a Written Statement of services provided to its Factored Owners.

This written statement meets our obligations, as set out in the legislation. It is not intended to be a legally binding agreement. It sets out in clear and transparent terms our responsibilities as your factor.

Our Registration No. with The Scottish Government under the Property Factors (Scotland) Act 2011 is PF000149.

OUR AUTHORITY TO ACT AS YOUR FACTOR

You will find everything you need to know about your rights and responsibilities as a factored homeowner in your Deed of Conditions, a legal document which is part of your title deeds. It sets out the rules governing the management, maintenance, insurance, repair, and improvement works to the shared parts of your building and common areas. It also sets out the rights and responsibilities that you as homeowner and that Cernach Housing Association has as the property manager.

Cernach HA do not hold copies of your deeds. However, you can obtain a copy from your solicitors or by contacting Registers of Scotland, who charge for this service. You can contact them at Registers of Scotland, St Vincent Plaza 391 St Vincent Street, Glasgow. You can call them on 0800 169 9391.

DELEGATED AUTHORITY

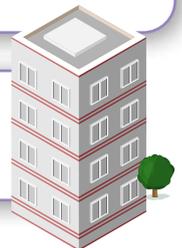
Your deeds provide the Factor (in your case Cernach Housing Association) with delegated authority to complete common repairs below consent levels. This helps to protect your building from further damage therefore minimising the costs to yourself.

The consent levels are:



4 IN A BLOCK £200.00

**TENEMENT BLOCK
£2,000**



Where the cost of the repair/improvement works are over the consent level we will contact you and all the other owners within the block requesting permission to go ahead with an explanation of the works required.

We will normally require a response within 28 days of the request being made. All owners within the block have a vote including Cernach Housing Association who will have a vote for all the properties that we own.

In an emergency, the Association reserves the right to instruct the works and add the costs to the factoring accounts. Owners are notified in writing should this eventuality occur.

It is the owners' responsibility to ensure that the Association is supplied with their up-to-date contact details.

DECLARATION OF INTEREST

In properties where Cernach has tenants in mixed tenure blocks and we factor these blocks, then we have responsibilities under this Written Statement. Where we have Cernach Housing Association tenants in mixed tenure blocks that are factored by another property manager, we will declare an interest and ensure that we communicate with the property manager in relation to all common property repairs that affect that block.

PROPERTY MANAGEMENT CORE SERVICES

We provide core factoring services to you through the management fee we charge. The following services are included:

- Dealing with homeowners' communications and respond to your enquiries in a clear and concise manner.
- Keeping you informed through newsletters, annual report, website, and social media.
- Administration of your account with us including setting you up on our computerised system.
- Placing insurance cover for buildings, property owners' liability and employers' liability with our nominated insurers.
- Intimating insurance claims relating to common property.
- Issuing quarterly invoices and enforcing debt recovery procedures for unpaid accounts including instruction of legal action.
- Collecting and administering the homeowner's factoring float where appropriate.
- Liaising with solicitors acting for homeowners at a change of ownership, including apportioning common charges.
- Arrange owners' consultation and close meetings as and when required.
- Our factoring policy and procedures can be located at www.cernachha.co.uk.
- Signposting homeowners to other relevant services.

MAINTENANCE AND REPAIR PROVISIONS

The Deed of Conditions declares that any dwelling which is not detached, will have mutual gable or gables, mutual roof and all other mutual parts including paths, rhones, water pipes, conductors, electric and gas supply cables, and all things which are common shall be maintained at the mutual expense of the proprietors.

HOW TO REPORT A REPAIR

Owners should report repairs of a common nature to the Association by calling the office on **0141 944 3860** or by emailing admin@cernachha.co.uk

For out of hours emergencies, please contact City Building on **0800 595 595**. If it is not deemed an emergency, please report it to the office the next working day.

The following outlines the procedures to be followed by the Association in implementing the work.

a) Regular Common Estate Maintenance

Regular common open space, landscaped areas, and footpaths etc as defined in the Deed of Condition shall be carried out. The Association will arrange & administer the maintenance of the common opens space by appointing contractors and service suppliers. The cost of which will be recharged to owners in their quarterly invoices.

b) Common Charges

These are charges which are accrued due to the following reasons:

- **Stair Lighting** – the Association is billed annually by Glasgow City Council for the provision of stair lighting within tenement blocks.

- **Common Electrics** – this charge is for controlled entry door electrics paid by the Association to the supplier and passed onto owners through quarterly invoices.
- **Stair Cleaning**– This service is provided through the Association’s contractor Caledonian Maintenance Services. Where owners live within a tenemental property, this is charged on owners’ quarterly invoices.

c) Regular Minor Repairs

From time to time some day-to-day repair work will be required to common parts of the building. These are repairs arising on a routine or day to day basis e.g., replacing missing roof tiles.

The Association has delegated authority to instruct this work without first obtaining the approval of all the proprietors mutually responsible for the roof etc as per the previous indicated consent levels.

The Association will inform the individual owners of the estimated cost. The actual cost of the work will be recharged to the owners when the invoices are next issued after the work is complete.

d) Regular Cyclical Maintenance

This can best be described as planned maintenance, designed to ensure all parts of the common areas are maintained in good condition. The Association has in place a planned programme of checking and scheduling work over a yearly, three, or five-year period. i.e., all areas of the common structure will be surveyed over the programme period, and at pre-determined points in the programme specific work will be carried out e.g., gutter cleaning.

The actual cost of these common cyclical works will be recharged to the owners in accordance with their share division of the said maintenance item.

e) Major Repairs

As the properties become older certain items of major repair work will be required to prevent the properties deteriorating. Some of these items refer to the common parts of the building and therefore all owners will be responsible for paying their share of these costs.

f) Repairs Priorities

When repairs are identified or reported the Association the following timescales apply:

- Emergency repairs identified/reported during office hours will be issued to the appropriate contractor immediately upon report.
- Routine repairs reported during office hours will be issued to the appropriate contractor and work undertaken within three working days.
- For out of hours emergencies, the Association has an out of hours service and emergency contractors’ contact information can be accessed through either our telephone service or located on the Association’s website.

h) Common Insurance Arrangement

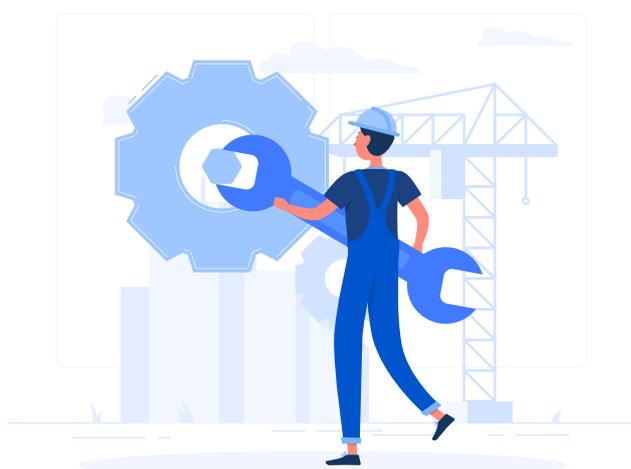
The Association as factor ensures the common parts of the buildings on behalf of all owners for damage against fire and all other risks normally covered by a comprehensive insurance, under our block policy (tenemental properties only).

On request, we will provide homeowners with clear details of the costs of public liability insurance, how their share of the cost was calculated, the terms of the policy cover and the name of the insurance provider.

i) Additional Services

Beyond the core services, the Association can offer the following services at an additional cost, to be agreed with homeowners prior to commencement.

- Implementing planned maintenance schemes for common property.
- Assisting with grant applications to appropriate bodies for maintenance works.
- Front garden maintenance.



FINANCIAL ARRANGEMENTS

a) Your Account

All the Association's factored accounts are maintained on our computerised system, and you can request a statement to be issued to you.

We issue bills quarterly in January, April, July, and October by post. These bills include your quarterly management fee, buildings insurance and service charges for specific services provided to your property e.g., stair cleaning.

Apart from the actual costs of insurance and repairs, the Association incurs a cost in providing a factoring service. These costs include: -

- staff time in arranging insurance
- organising repairs, including routine & cyclical repairs
- printing and posting costs and,
- dealing with general enquiries.

The Association, in accordance with our objectives, will try to keep this cost as low as possible but it must be set at such a level that we at least cover our costs.

b) Deposits

When you become a Cernach Housing Association resident, we will take a small deposit of £50. If your account is up to date and you do not have any outstanding debt due to us, your deposit will automatically be returned to you if you sell your property or move to another factor.

c) Accounts/Invoicing

Invoices are issued quarterly and mailed to the property address (or an alternative forwarding address upon written request i.e., email address). Invoices include a detailed financial breakdown of charges and a description of the common works and service charges.

d) Allocation of Costs to Owners

Costs of a common nature are apportioned amongst all the owners involved. The method we use to do this is to apply the percentages detailed in the Deed of Conditions. These legal documents determine the share of common repairs appropriate to each property within a terrace or block.

You should check your invoice on receipt and direct any queries by email to admin@cernachha.co.uk or telephone us on **0141 944 3860**.

e) Proportion of Owners costs

There are various proportions of owner charges for differing sizes of closes.

If you live in a tenemental block that came to us as factor after the stock transfer, then your proportion of any common works will be directly influenced by the number of houses in your close.

For instance: -



**A CLOSE WITH 3 HOUSES:
OWNERS SHARE 1/3RD**



**A CLOSE WITH 4 HOUSES:
OWNERS SHARE 1/4TH**



**A CLOSE WITH 6 HOUSES:
OWNERS SHARE 1/6TH**



**A CLOSE WITH 9 HOUSES:
OWNERS SHARE 1/9TH**

The proportions for homeowners who reside in houses or cottage flats are dependent upon the number of total houses that were built in the estates. The individual estates are detailed below:

- Kingsmore Gardens 1/110th
- Kingsmore Court 1/10th
- Cairnwell Grove (including Katewell Ave) 1/60th
- Achamore Gardens 1/52nd

f) Payment

As property factor we have systems in place to ensure the monitoring of payment due from owners and payment information which is held on our systems is updated and maintained on a regular basis.

Owners are expected to clear their account promptly and no later than 28 days of the date of issue. There are various ways to pay accounts. Most owners have a direct debit with us to cover yearly charges.

Should you be experiencing difficulties in paying your factoring account please do not ignore it. The Association is here to help with access to welfare benefits advice and staff will discuss repayment plans with you if you can only pay the debt off gradually rather than in a lump sum. We will treat all our customers fairly, with forbearance and due consideration to provide reasonable time to comply with payment.

All accounts should be clear by the end of each financial year which is the 31st of March. (Unless there is already an arrangement in place agreed by the Association).

The factoring policy details our approach to debt recovery, a copy of this is available on request. You can also find it on our website at www.cernachha.co.uk/downloads. The procedure details when invoices remain outstanding after 28 days and no contact has been made to make an acceptable payment arrangement, we will write to you. All written communication regarding arrears carries an administration fee of £15.00 plus VAT.

If the Association requires to take legal action for outstanding arrears, then all legal costs incurred will be passed onto the homeowner concerned. Legal action will only be taken after reasonable steps to resolve any outstanding matters have been considered. Notice of intent of legal action will be given to the homeowner.

Cernach Housing Association are aware of the threat of money laundering and will comply with all relevant legislation and guidance to minimise the risk to launder the proceeds of crime. Money laundering is the process by which funds derived from criminal activity are given the appearance of being legitimate.

g) Ways to Pay

More and more owners are paying their bills by direct debit. People who have made the switch tell us it is so much easier and more convenient. Our preferred method is direct debit, you can call the office on **0141 944 3860** so we can arrange to set up your monthly payment.

If direct debit does not suit your needs, we offer a variety of other payment options including:

- Allpay card
- Standing order
- Online at www.cernachha.co.uk
- At our office at 79 Airgold Drive and
- By posting in a cheque.



COMMUNICATIONS, COMPLAINTS AND CONTACT US

a) Communications

Owners can contact the Association by telephone, in person, in writing or by e-mail. We will acknowledge and/or resolve within five working days. Our office contact details, and opening hours are: -

Marion McDonald House,
Cernach Housing Association,
79 Airgold Drive,
Glasgow, G15 7AJ.
Tel: **0141 944 3860**
Email: **admin@cernachha.co.uk**
Website: **www.cernachha.co.uk**

Mon, Tues, Thu & Fri: 9.00 am – 5.00 pm
Wednesday: 10.00 am – 5.00 pm

 **@CernachHousing**

 **Cernach Housing Association**

We are committed to listening to you and where possible to acting on what you say. We value your opinions and work hard to develop services and standards that meet your needs.

Enquiries – we will respond to your calls and other communications in five working days.

Compliments – we are always delighted to receive any compliments about the services we deliver. Along with complaints and general customer feedback, these help us understand the services you want and how you want them delivered.

Unhappy with our service – your views are important to us as they let us know how and where we can improve the service we provided. If we have made a mistake, or you are unhappy with our service, we aim to make it as easy as possible for you to tell us. Please contact us by phone or in writing to tell us about the issue and we will try to get it resolved then and there. If we cannot sort it for you, we will raise it as a complaint.

The Association issues quarterly newsletters to all our factored owners and tenants which contains useful information including any planned improvement works for the area.

An annual report is issued each year detailing the Association's activities and business performance for the preceding financial year.

Prior to any major improvement works owners will be contacted and owners' meetings will be held on request.

This document can be made available in a different text size, language, in braille or on cd. Additionally, we can offer a sign or language interpreter free of charge, where necessary.

CONSULTATION WITH OWNERS

We will endeavour to consult with owners on changes to the management fee which may include reviewing it.

Your opinion matters to us. Therefore, where a particular proposal e.g., major repairs/items fall out-with the scope of the powers conferred on the management agents under the deed of conditions, specific owner consent is required before implementation.

Wherever possible the Association will consult with owners on management practice, procedures and policy affecting the service being provided.

b) Complaints

Cernach Housing Association is committed to providing high-quality customer service, however sometimes we do not get it right. We value comments and complaints and use information from them to continually improve our services.

A complaint is any oral or written expression of dissatisfaction, whether justified or not, by one or more members of the public, about an organisation's action or lack of action, or about the standard or service provided by or on behalf of the organisation. All complaints will be considered in accordance with our two stage complaints process. We will always try to deal with your complaint at stage one. But if the matter needs a detailed investigation, we will tell you this and keep you updated on its progress.

A stage 1 complaint is a complaint which is resolved by staff at first point of contact. This could be in the format of an apology, an explanation or action depending upon the nature of the complaint. We have five working days to respond to a stage 1 complaint (unless there are exceptional circumstances). All staff are equipped to resolve these types of complaints and are empowered to do so.

If you are unhappy with our response at stage one, we will escalate it to stage 2. If the complaint requires more investigation or are of a more complex and serious nature, we will investigate it as a stage 2.

Stage 2 complaints are normally passed to our senior management team to investigate. We will respond to your complaint no later than twenty working days, unless there is a good reason for a delay, and we contact you to request an extension of this deadline if it is required. We will aim to resolve the complaint as quickly as possible and keep you updated of progress.

Please view our complaints handling procedure at <https://www.cernachha.co.uk/about-us/downloads> or contact the office and we can provide a paper copy.

We are committed to making our service easy to use for all members of the community. We will make reasonable adjustments to help customers access our service in line with our statutory duties. If you have

trouble putting your complaint in writing, please tell us.

If you remain dissatisfied following Cernach's stage 2 complaint response and believe we have failed to carry out our factoring duties, failed to comply with the Code of Conduct for Property Factors or unreasonably delayed attempting to resolve your complaint, you have the right to seek resolution by contacting: -

**First Tier Tribunal for Scotland
(Housing and Property Chamber)
Tribunals Centre
20 York Street,
Glasgow, G2 8GT
Email: hpcadmin@scotcourtribunals.gov.uk**

c) Contact Us

**You can contact us at: -
Cernach Housing Association
Marion McDonald House
79 Airgold Drive
Drumchapel
Glasgow
G15 7AJ
Telephone: 0141 944 386
E-mail: admin@cernachha.co.uk
Website: www.cernachha.co.uk**



HOW WE USE AND STORE YOUR DATA (UK GDPR)

Cernach Housing Association takes the issue of security and data protection very seriously, including compliance with the UK General Data Protection Regulation, the Data Protection Act 2018 and the Privacy and Electronic Communications Regulations.

Our privacy notice explains what information we collect, when we collect it and how we use this. A copy of our notice can be found at www.cernachha.co.uk/privacynotice. You can request a copy from our corporate services team by calling **0141 944 3860**.

We are notified as a Data Controller with the Office of the Information Commissioner under registration number **Z5533599** and we are the data controller of any personal data that you provide to us. Further guidance can be found at: - [hiips://ico.org.uk/](https://ico.org.uk/).



INFORMATION ABOUT THE 2011 ACT AND THE DUTIES IT PLACES ON PROPERTY FACTORS



A homeowner (as specified under section 10(5) of the 2011 Property Factors (Scotland) Act)) must, in the first instance, notify their property factor in writing of the reasons why they consider that their property factor has failed to comply with the Code and/or failed to carry out their duties under section 17(5) of the 2011 Act. A homeowner must allow their property factor a reasonable opportunity to resolve the matter (see Section 7 of the Code: Complaints Resolution).

A homeowner may apply to the First-tier Tribunal for Scotland Housing and Property Chamber (FTT) for a determination of whether the property factor has failed to comply with the 2011 Act.

We will comply with any relevant request for information from the FTT. The FTT details can be found under section 6 of this Written Statement of Services.

HOW TO END FACTORING ARRANGEMENTS



There are several ways to end factoring arrangements:

- by selling your property
- changing your factor
- withdrawal by the Property Factor of factoring services

a. Selling your property

If you sell your property, you or your solicitor need to contact us as soon as possible to let us know the identity of the new owners.

Please ensure you inform your solicitor that the Association acts as factor for your property, as they will be required to provide written confirmation of the change of ownership to us.

If we don't have this sale information, we won't be able to update our records and allocate charges to you and the new owners. Your solicitor should also give you a forwarding address. At point of sale, we will calculate any charges or credits due. This will be confirmed to your solicitor, and we will request that funds be retained from the sale proceeds to meet your final account.

b. Changing your factor

Cernach Housing Association offers a comprehensive and value for money factoring service. However, if you feel that you want to change factor, then the following process is required where most owners in a block can call a meeting: -

- Ask for a meeting of all property owners within the block to discuss your property management options.
- Attend the meeting to vote for your choice of property manager.
- The Association has a vote for each of our tenanted properties within the block
- If a new property manager is appointed, agree a date for the management responsibilities, including block building insurance, to pass to them.
- Further information can also be found in your Deeds
- Homeowners may (by collective or majority agreement or as set out in their title deeds)

terminate or change the service arrangement. Please refer to the relevant legislation, for example the Title Conditions (Scotland) Act 2003 and the Tenements (Scotland) Act 2004.

- If you decide to opt out, you will need to give us at least a 28-day notice period in writing. Most owners in the block need to agree to opt out and during this notice period we will settle any outstanding accounts, terminate any contractual arrangement related to your block and at your direction, share relevant information about your property with your new property manager.
- When there is a change of ownership or termination of the factoring arrangement, we will return any funds due to you, less any outstanding debts, when you settle your final invoice.
- We will provide information to the new property manager to include list of properties factored, any outstanding repairs and timescales for completion and any planned investment works including timescales for completion.
- We will work with the new factor to make the transition as easy as possible.

c. Withdrawal by the Property Factor of factoring services

In some circumstances, we may have to consider withdrawing some, or all factoring services and we reserve the right to do so. This withdrawal may be a result of non-payment of debt in your block.

In these cases, we would write to affected homeowners to make them aware of our information, along with the process and timescales involved. We will give 28 days' notice that we plan to withdraw from factoring services. This will give homeowners the time to arrange alternative factoring provisions including buildings insurance.

We would not withdraw the services if there were still tenants of Cernach Housing Association in the block as we would have an interest in this block.





Cernach Newsletter can be downloaded from the Association's website, www.cernachha.co.uk and if requested, Cernach News can be made available in different languages, in Braille and/or on CD. Additionally, we are able to offer a sign or language interpreter free of charge where necessary.

OPENING HOURS:
MON, TUE, THUR & FRI:
9.00am – 5.00pm
WED: 10.00am – 5.00pm



How to contact us:

Cernach Housing Association Ltd.

Marion McDonald House

79 Airgold Drive, Drumchapel
Glasgow G15 7AJ

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Fax: 0141 944 8925

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