



# Property Factors (Scotland) Act 2011

## 2011 asp 8

### PART 2 **S**

#### DISPUTE RESOLUTION

##### *Application and referral*

### 18 **[<sup>F1</sup>Referral to the First-tier Tribunal] S**

- (1) The [<sup>F2</sup>Chamber President] must decide whether to—
  - (a) refer an application under section 17(1) to [<sup>F3</sup>the First-tier Tribunal] , or
  - (b) reject the application.
- (2) The [<sup>F4</sup>Chamber President] may reject an application only if the [<sup>F4</sup>Chamber President] considers—
  - (a) that it is vexatious or frivolous,
  - (b) that the homeowner has not afforded the property factor a reasonable opportunity to resolve the dispute,
  - (c) where the homeowner has previously made an identical or substantially similar application in relation to the same property, that a reasonable period of time has not elapsed between the applications, or
  - (d) that the dispute to which the application relates has been resolved.
- (3) The [<sup>F5</sup>Chamber President] must make a decision under subsection (1)—
  - (a) within 14 days of the [<sup>F6</sup>First-tier Tribunal's] receipt of the application concerned, or
  - (b) where the [<sup>F5</sup>Chamber President] considers—
    - (i) that the decision cannot be made without further information, or
    - (ii) that there is a reasonable prospect of the dispute being resolved by the parties,by such later date as the [<sup>F5</sup>Chamber President] considers reasonable.
- (4) The [<sup>F7</sup>Chamber President] must, as soon as practicable after rejecting an application, give notice of the rejection—
  - (a) to the homeowner, and

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*Changes to legislation: There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Section 18. (See end of Document for details)*

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- (b) where the [<sup>F7</sup>Chamber President] is aware of the name and address of a person who acts for the homeowner in relation to the application, to that person.
- (5) Such a notice must—
- (a) set out the reasons for the rejection, and
  - (b) explain the procedure for appealing against it.

[<sup>F8</sup>(6) In this Act, “Chamber President” means Chamber President of the First-tier Tribunal for Scotland Housing and Property Chamber.]

#### Textual Amendments

- F1** S. 18 title substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Committees\) Regulations 2016 \(S.S.I. 2016/335\)](#), reg. 1(2), **sch. 2 para. 6** (with sch. 1 para. 5)
- F2** Words in s. 18(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 4(a)**
- F3** Words in s. 18(1)(a) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Committees\) Regulations 2016 \(S.S.I. 2016/335\)](#), reg. 1(2), **sch. 2 para. 5** (with sch. 1 para. 5)
- F4** Words in s. 18(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 4(b)**
- F5** Words in s. 18(3) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 4(b)**
- F6** Words in s. 18(3)(a) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 4(c)**
- F7** Words in s. 18(4) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 4(b)**
- F8** S. 18(6) inserted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 4(d)**

#### Commencement Information

- I1** S. 18 in force at 1.10.2012, see s. 33(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Section 18.