

## SCHEDULE 1

### The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2016

## PART 2

### Procedure in respect of homeowner applications

#### Application of Part 2 and interpretation

**12.**—(1) This Part of the Rules applies to proceedings before the First-tier Tribunal when exercising the functions transferred to it by—

- (a) regulation 3(1) of the First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016<sup>(1)</sup>;
- (b) regulation 3(1) of the First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Panel) Regulations 2016<sup>(2)</sup>;

(2) In this Part of the Rules—

“the Act” means the Property Factors (Scotland) Act 2011<sup>(3)</sup>;

“application” means an application under section 17(1) of the Act;

“hearing” includes any resumed hearing;

“homeowner’s concern” means the homeowner’s reason for considering that the property factor has failed to carry out the property factor’s duties or, as the case may be, to comply with the section 14 duty;

“the proceedings” means the proceedings in relation to the making of a decision under section 19(1), 21(1) or 23(1) of the Act (including any preliminary issue);

“property factor enforcement order” has the meaning given to it by section 20 of the Act; and

“the section 14 duty” means the duty imposed by section 14 of the Act.

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(1) S.S.I. 2016/335.

(2) S.S.I. 2016/336.

(3) 2011 asp.8