



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 9

#### TITLE CONDITIONS: POWERS OF LANDS TRIBUNAL

#### **98 Granting other applications for variation, discharge, renewal or preservation of title condition**

An application for the variation, discharge, renewal or preservation, of a title condition shall, unless it falls to be granted as of right under section 97(1) of this Act, be granted by the Lands Tribunal only if they are satisfied, having regard to the factors set out in section 100 of this Act, that—

- (a) except in the case of an application under subsection (3) of section 34 or, in respect of a deed of variation or discharge granted by the owner of an adjacent unit, subsection (1) of section 37 of this Act, it is reasonable to grant the application; or
- (b) in such a case, the variation or discharge in question—
  - (i) is not in the best interests of the owners of all the units in the community; or
  - (ii) is unfairly prejudicial to one or more of those owners.