



Property Factors (Scotland) Act 2011

2011 asp 8

PART 2

DISPUTE RESOLUTION

Application and referral

17 [F¹Application to the First-tier Tribunal]

- (1) A homeowner may apply to the [F²First-tier Tribunal] for determination of whether a property factor has failed—
 - (a) to carry out the property factor's duties,
 - (b) to ensure compliance with the property factor code of conduct as required by section 14(5) (the “section 14 duty”).
- (2) An application under subsection (1) must set out the homeowner's reasons 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.
- (3) No such application may be made unless—
 - (a) the homeowner has notified the property factor in writing as to why the homeowner considers 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, and
 - (b) the property factor has refused to resolve, or unreasonably delayed in attempting to resolve, the homeowner's concern.
- (4) References in this Act to a failure to carry out a property factor's duties include references to a failure to carry them out to a reasonable standard.
- (5) In this Act, “property factor's duties” means, in relation to a homeowner—
 - (a) duties in relation to the management of the common parts of land owned by the homeowner, or
 - (b) duties in relation to the management or maintenance of land—
 - (i) adjoining or neighbouring residential property owned by the homeowner, and

Changes to legislation: There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Section 17. (See end of Document for details)

(ii) available for use by the homeowner.

Textual Amendments

- F1** S. 17 title 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. 3**
- F2** Words in s. 17(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. 2**

Commencement Information

- I1** S. 17 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 17.