

## SCHEDULE

### The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

## PART 2

### Procedure in respect of homeowner applications

#### **Application for determination of whether property factor has failed to comply with the 2011 Act**

**43.**—(1) In addition to the homeowner’s reasons as required by section 17(2) of the 2011 Act, the application must state—

- (a) the name and address of the homeowner;
- (b) that the application is made under section 17(1) (application to the First-tier Tribunal) of that Act;
- (c) the name, address and profession of the representative of the homeowner, if any;
- (d) the name of the property factor and, if known, the property factor registered number;
- (e) the address of the property factor, or, if known, the name and address and profession of the property factor’s representative (if any); and
- (f) the homeowner’s concern.

(2) The homeowner must attach to the application a copy of—

- (a) the notification from the homeowner to the property factor for the purposes of section 17(3) (a) of the 2011 Act;
- (b) any response in writing provided by or on behalf of the property factor to that notification;
- (c) any other correspondence between the homeowner and the property factor relating to the homeowner’s concern; and
- (d) any statement of services provided by the property factor to the homeowner as required by the property factor code of conduct.

(3) The application must be signed and dated by the homeowner or by the homeowner’s representative.

(4) In this rule, “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.

#### **Commencement Information**

**II** Sch. para. 43 in force at 1.12.2017, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, Paragraph 43.