

# **PROPERTY FACTORS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2 – Dispute Resolution**

##### ***Section 17 – Application to homeowner housing panel***

65. Subsection (1) enables a homeowner to apply to the homeowner housing panel for a determination of whether the homeowner’s property factor has failed to comply with the property factor’s duties (defined in subsection (5)) or to ensure compliance with the property factor code of conduct (“the section 14 duty”). Subsection (4) makes clear that a property factor failing to carry out their duties to a reasonable standard counts as a failure to carry out their duties for the purposes of this Part.
66. Under subsection (2), a homeowner must set out in the application his or her reasons for considering that the property factor has failed to comply with the property factor’s duties or with the section 14 duty.
67. Subsection (3) provides that, before making an application under subsection (1), a homeowner must notify the property factor in writing of the reasons why he or she believes that the property factor has failed to comply with the property factor’s duties or with the section 14 duty. It also prohibits the homeowner from making an application to the homeowner housing panel unless the property factor has refused to resolve or unreasonably delayed in attempting to resolve the homeowner’s concern.