

## The Application Form and Documentation

The following documentation is needed to make an application:

1. Application Form C:  
<https://www.housingandpropertychamber.scot/sites/default/files/hpc/Form%20C%20Property%20Factor%20applications%20%5BRevised%20May%202018%5D.pdf>
2. Evidence that the Factor was notified of the concerns.
3. Documentation of communication between the applicant and the
4. Property Factor.
5. The Written Statement of Services.

## Remedies

A Property Factor Enforcement Order (PFE0) can be made which specifies what action must be taken, within a set time, by the Property Factor. Failure to comply with the Order can constitute a criminal offence.

## Contacting the Housing and Property Chamber

Housing and Property Chamber,  
First-tier Tribunal for Scotland,  
Glasgow Tribunals Centre,  
20 York Place, Glasgow, G2 8GT



0141 302 5900



HPCAdmin@scotcourtsribunals.gov.uk



[www.housingandpropertychamber.scot/home](http://www.housingandpropertychamber.scot/home)

# Housing Law

## Know your Rights & Remedies

## Property Factors

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## Property Factors: Guidance

### Property Factors

Property Factors manage the common areas of buildings (such as tenements and flats) where residents have either agreed, or are legally obliged by their title deeds or in cases where certain properties are owned by a registered social landlord or local authority, to delegate their personal responsibility for the maintenance of such areas to the Property Factor.

The Title Deeds will identify the common areas that every resident has a responsibility to maintain but such areas typically include: the roof and guttering; the exterior walls; the back-court or garden. In return for a fee, Property Factors will manage the maintenance of the building on behalf of the residents. Often the Property Factor is a private company. Sometimes the local council will be the factor if there are Council Owned properties in the building.

### The Property Factor Code of Conduct

All registered Property Factors in Scotland must comply with the Property Factor Code of Conduct. This creates the minimum standards which regulated Property Factors' services must meet. The following areas are regulated by the Code:

1. The Written Statement of Services.
2. Communication and Consultation.
3. Financial Obligations.
4. Debt Recovery.
5. Insurance.
6. Repairs and Maintenance.
7. Resolving Complaints.

The Code of Conduct establishes the minimum standards which must be met but this does not prevent parties from entering into an agreement with specific terms which meet their unique needs. As long as these specific terms do not conflict with the Code, they can be binding where parties are in agreement.

The Code also creates rights for homeowners, for example, the right to be provided with a written statement of services which details the terms of their agreement with the Property Factor. The Code can be found online via this link: <https://www.gov.scot/Resource/0039/00397542.pdf>

### Complaints: The Housing and Property Chamber of the First-tier Tribunal for Scotland

The Housing and Property Chamber of the First-tier Tribunal for Scotland, is a specialist Tribunal created to help parties resolve housing disputes in the Private Rented Sector. The Housing and Property Chamber is the new way in which remedy can be sought for disputes relating to: Property Factors, Letting Agents, Landlord Registration, and Tenancy Deposits.

Homeowners have the right to apply to the Housing and Property Chamber where it is believed that the Factor has breached the Code of Conduct or has failed to carry out their duties. The Property Factor must be given a reasonable opportunity to resolve the complaint before the Tribunal will accept an application.

Only homeowners can apply to the Tribunal. If you are a tenant and are experiencing difficulties with your Property Factor, you should raise your concerns with your Landlord.

### Applying to the Housing and Property Chamber for Scotland

Before making an application, the homeowner must contact the Property Factor about their concerns. There is a template letter available on the Tribunal's website:

<https://www.housingandpropertychamber.scot/apply-tribunal/property-factors/property-factors-application-and-guidance>

In addition, it is only in circumstances that the Property Factor after being told of the relevant concerns has failed to address the concerns raised or has unreasonably delayed in resolving the concerns, that an application will be accepted.

