



Property Factors (Scotland) Act 2011

2011 asp 8

PART 2

DISPUTE RESOLUTION

Application and referral

18 Referral to homeowner housing committee

- (1) The president of the homeowner housing panel must decide whether to—
 - (a) refer an application under section 17(1) to a homeowner housing committee, or
 - (b) reject the application.
- (2) The president may reject an application only if the president considers—
 - (a) that it is vexatious or frivolous,
 - (b) that the homeowner has not afforded the property factor a reasonable opportunity to resolve the dispute,
 - (c) where the homeowner has previously made an identical or substantially similar application in relation to the same property, that a reasonable period of time has not elapsed between the applications, or
 - (d) that the dispute to which the application relates has been resolved.
- (3) The president must make a decision under subsection (1)—
 - (a) within 14 days of the panel's receipt of the application concerned, or
 - (b) where the president considers—
 - (i) that the decision cannot be made without further information, or
 - (ii) that there is a reasonable prospect of the dispute being resolved by the parties,by such later date as the president considers reasonable.
- (4) The president must, as soon as practicable after rejecting an application, give notice of the rejection—
 - (a) to the homeowner, and

Status: This is the original version (as it was originally enacted).

- (b) where the president is aware of the name and address of a person who acts for the homeowner in relation to the application, to that person.
- (5) Such a notice must—
- (a) set out the reasons for the rejection, and
 - (b) explain the procedure for appealing against it.