

Housing and Property Chamber First-tier Tribunal for Scotland



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FORM C2

Applications by the homeowner regarding property factor duties/2021 code of conduct

Section 17(1) of the Property Factors (Scotland) Act 2011

This application form should be completed if you wish the Housing and Property Chamber **to consider complaints arising from an alleged act or omission of a property factor on or after 16 August 2021**

Fill in this form in black ink, BLOCK CAPITALS and by ticking any boxes that apply.

To take a complaint to the Chamber, homeowners must first notify their Property Factor in writing of the reasons why they consider that the Factor has failed to carry out the Property Factor's duties, or failed to comply with the Code. The Property Factor must also have refused to resolve the homeowner's concerns, or have unreasonably delayed attempting to resolve them. Remember that your Property Factor will be sent a copy of this form and any attachments received with it.

The First-tier Tribunal has the power to award expenses against a party where that party through unreasonable behaviour in the conduct of the case has put any other party to unnecessary or unreasonable expense. Exercise of this power is not linked to the outcome of the case.

There is guidance on our website relating to completing the application form and also the Information Guide to property factor cases. We recommend that you read these guides before you complete the application form. The guidance should assist you with completing this form, understanding the procedure relating to your application and understanding the types of factoring complaints which the Chamber can deal with. If you require this guidance in hard copy, then please contact us.

If you are filling in this form for someone else, please remember to fill it in as if you are the homeowner of the property. When we receive your application, we will send you a reference number which you should quote whenever you contact us. **If any information you give in this form changes, you must immediately give us written details of the change.** We aim to treat you politely and with care. In return we expect you to be polite to our staff.

1. DETAILS ABOUT YOUR COMPLAINT WHICH HELP US TO IDENTIFY IF IT IS A RESIDENTIAL PROPERTY FACTORING ISSUE OR A LAND MANAGEMENT ISSUE

a) Does the complaint relate to management of common parts of a building which is used to any extent for residential purposes?

Yes No

If 'yes', is your interest as owner of a:

Flat / terraced house / semi-detached house / detached house / other

(please strike through ones which do not apply)

b) Do you currently pay a management fee for factoring services?

Yes No

c) Does the complaint relate to management or maintenance of land (not a building) which you jointly own with others as part of a residential property which you own?

Yes No

d) Does the complaint relate to management or maintenance of land (not a building) which adjoins or is neighbouring to your residential property and which is available for your use, but which is not owned by you?

Yes No

2. DETAILS OF THE PROPERTY OR LAND TO WHICH THE COMPLAINT RELATES

a) Property

Address and postcode

or

b) Land

designation/address

3. HOMEOWNER CONTACT DETAILS

a) **Title** (Mr, Mrs, Miss, Ms)

b) **First name**

c) **Last name**

d) **Daytime** telephone number

e) **Mobile** number

f) **Email** address, if available

g) **Correspondence** address
(if different from address in
Section 2)

h) Is a representative helping the
homeowner with this application?

YES

(If Yes, complete part 4)

NO

(If No, go to part 5)

4. HOMEOWNER REPRESENTATIVE DETAILS (if you have one - this may be either a legal representative or someone who has agreed to act for the homeowner).

If you name a representative, you should be aware that all our letters and correspondence will normally be sent only to them. If you do not have a representative, please move on to Section 5.

a) **Title** (Mr, Mrs, Miss, Ms)

b) **First name**

c) **Last name**

d) **Daytime** telephone number

e) **Mobile** number

f) **Email** address, if available

g) **Profession**

h) **Correspondence** address

5. PROPERTY FACTOR DETAILS

Note 1: This application will be rejected if you have not notified the Property Factor prior to applying.

a) **Company** name

b) **Contact** name*

c) **Daytime** telephone number

d) **Email** address, if available

e) **Property** Factor Registration Number (if known)

f) **Correspondence** address

*Optional

6. PROPERTY FACTOR'S REPRESENTATIVE DETAILS (if known)

If you have been dealing with a representative of the Property Factor please complete this section with their details.

a) **Title** (Mr, Mrs, Miss, Ms)

b) **First** name

c) **Last** name

d) **Daytime** telephone number

e) **Email** address, if available

f) **Profession**

g) **Correspondence** address

7. COMPLAINT DETAILS (continued)

FOR ALL COMPLAINTS – PLEASE COMPLETE THE FOLLOWING FOUR SECTIONS

What is your complaint? Describe what has gone wrong and when this happened.
Please continue on a separate sheet if necessary.

What are your reasons for considering that the Property Factor has failed to resolve the complaint?

Please continue on a separate sheet if necessary.

How has this affected you? Describe how what has gone wrong has affected you.
Please continue on a separate sheet if necessary.

What would help to resolve the problem(s)? Tell us how you would like your complaint, if it is upheld, to be resolved, and provide us with your reasons. For example, asking the Property Factor to apologise, asking for your fees to be reduced or repaid, asking for the Property Factor to pay compensation, take other action.

Please continue on a separate sheet if necessary.

8. MEDIATION

Have you and your Property Factor attended mediation to resolve the issue?

Yes No

If you answered 'Yes' please supply evidence of this process and briefly state the outcome below:

9. REQUIRED DOCUMENTS

Please tick to confirm you have supplied the appropriate information:

- a) the notification from the homeowner to the Property Factor for the purposes of section 17(3)(a) of the Act; and
 - b) evidence of the notification of a) above sent to the Property Factor;
 - c) any response in writing provided by or on behalf of the Property Factor to that notification;
 - d) any other correspondence between the homeowner and the Property Factor relating to the homeowner's concern;
 - e) any written statement of services provided by the Property Factor to the homeowner as required by the Property Factor Code of Conduct
 - f) If the application contains a property factor duties complaint, the document or provision which contains the duty which the property factor has not met
- Additional Attachment (if appropriate)
- Evidence of Mediation process having been undertaken and the result

Attachments should be numbered and provided with an index of all documents.

10. SIGNATURE

We will store and process the information you provide in line with data protection law. You have the right to ask to see information we have about you and to challenge how we process your personal data. Processing of your information in relation to an application is necessary for the performance of a task carried out in the public interest in terms of Article 6 1(e) of the UK General Data Protection Regulation¹.

In order to process your complaint, the Chamber may need to contact other relevant organisations (for example the Local Authority) and we may need to obtain reports from relevant specialists. Further information on the organisations that may be contacted with details of your application is available on our website. In terms of the legislation² which governs the application process, we will send copies of any application, attachments, correspondence and representations to the other parties and their representatives. **We cannot progress your application without doing this.**

Please note also that legislation³ requires the Chamber to make any tribunal decisions and statements of reasons publicly available. Further information on how the administration processes personal data and on your rights can be found on the SCTS website⁴.

Where a party, a representative or an interested party provides an email address, the First-tier Tribunal will communicate using that address until the party, representative or interested party requests that another method of communication be used.

Your/Your representative's signature

Date

¹ <https://www.legislation.gov.uk/eur/2016/679/article/6>

² <http://www.legislation.gov.uk/ssi/2017/328/schedule/paragraph/9/made>

³ <http://www.legislation.gov.uk/ssi/2017/328/schedule/paragraph/26/made>

⁴ <http://www.scotcourts.gov.uk/about-the-scottish-court-service/contact-us/data-protection>