

## Petitioner submission of 12 April 2023

### PE2006/B Review and simplify the legislation in relation to dismissal of property factors

We wish to bring to the attention of the committee the clear challenge any residents or residents committee would have if they encountered a situation like one faced by the residents committee within our estate. The incumbent factor has challenged the vote. In all engagement directly with their legal representatives and our local MSP the factor has not been able to offer any way to resolve the situation other than paying them to run the vote (an offer which they have since withdrawn). Residents should not have to pay a factor to sack themselves. Most factors are replaced in Scotland by residents forming residents associations and doing exactly as our resident association did so there is plenty of precedent that supports what the committee did (albeit not in a court of law that I am aware of). They have made quite clear that should the residents association wish to seek a decision on interpretation of the deeds in a civil court they would not support allocating residents' funds to progress this. They have however been quite clear they have used residents' funds to appoint legal representation for themselves in order that they can defend their position. This is both wholly unfair but more worrying leaves open an opportunity for all factors to create favourable and questionable, in my opinion, interpretations of deeds in order to keep themselves in role for perpetuity. Referral to a civil court is not practical when the action is from all residents. Whilst crowd funding the legal costs may be possible it would act as a considerable deterrent to any individual resident or residents association who wish to seek recourse.