

Property Managers Association Scotland submission of 7 June 2023

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

Thank you for asking the Property Managers Association Scotland Ltd. (PMAS) to consider the above Petition.

Following consultation within the Council (Board) members of the Association, all of whom are Directors, but none are members of the legal profession, with no legal advice being sought as part of this response, the following, after thorough discussion and some concern expressed about the specific case, is their consideration:

PMAS Council does not believe that empowering the First Tier Tribunal to arbitrate in some way the contractual relationship between homeowners and Property Factors (as opposed to deciding upon alleged breaches of the Code/Duties) would be desirable.

As the Scottish Government response to the Petition https://www.parliament.scot/-/media/files/committees/citizen-participation-and-public-petitions-committee/correspondence/2023/pe2006/pe2006_a.pdf explains, there is legislation around this subject, that Title Deeds provide mechanisms for homeowners and that the courts are there to arbitrate disputes PMAS believes this is sufficient and that homeowners do have the required instruments, should they wish to challenge the Property Factor.

We hope this consideration of the Petition is of assistance.