



Under One Roof

Impartial advice on repairs and maintenance for flat owners in Scotland

Getting the best from your property factor

Property Factors

1. Do we need a factor?
2. Property Factors (Scotland) Act 2011
3. Working with your factor
4. Complaining
5. Changing your factor
6. Self-factoring

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Do we need a factor?

Do we need a factor?

- Your Title Deeds may say you need a factor
- You certainly need good property management!
- Factors have professional expertise in dealing with complex building problems and owners' problems
- You can self factor

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The Property Factors (Scotland) Act 2011

The Property Factors Act 2011

- Property Factors must be registered
- Enforces a minimum (but reasonable) standard of service
- Factors must follow a Code of Practice
- They must give you a Written Statement of Services
- You can complain to the independent Home Owners Housing Panel

The Written Statement

- Your factor must give you a Written Statement of Services which includes:
 - What they can do without going back to owners
 - What services they provide
 - Target times for action
 - Financial and charging arrangements
 - Declaration of interest (as an owner, letting agent, repair contractor)

Code of Practice

- Your factor must:
 - Give owners a written statement
 - Not be misleading, abusive or threatening
 - Consult owners
 - Protect owners' funds
 - Have clear procedures for dealing with debts
 - Have clear and fair procedures for commissioning repair contracts
 - Have a complaints procedure

Repairs and maintenance procedures

- Your factor must:
 - Keep you informed of repair progress
 - Tell you how contractors were appointed
 - Ensure contractors have proper insurance
 - Disclose any financial interest with a contractor
 - Pursue defects

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Working with your factor

Working with your factor

- Your factor can tell you who has not replied to letters etc
- The factor may have confidential information that they cannot give you
- Speak to owners who don't respond to factor's letters
- Tell these owners how important the repair is and where they can get financial and legal advice

Get the best from your factor

- hold regular meetings with your factor
- consider setting up an owners association
- if the service you pay for does not include maintenance surveys etc, consider paying extra for these every 5 years

Problems are not always the factors fault

- they may not have been told of changes in ownership
- owners may ignore their letters
- no-one tells the factor about problems assuming that someone else will do it
- owners may encourage the factor to go for patch repairs when a bigger job is really required

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Complaining

Complaining to your factor

- Ask your factor why there are problems and if any changes can be made in their working practices
- If this doesn't help, follow the complaints procedure in your Written Statement
- If this doesn't resolve the problem, you can ask the independent Home Owner Housing Panel to take up your case
- The HOHP is free to use and you don't need legal help
- The HOHP can make your factor apologise, pay compensation or change procedures

Home Owner Housing Panel

- You can complain about:
 - Common repairs
 - Failures to carry out factoring duties to a reasonable standard
 - Improper billing
- You cannot complain about:
 - Individual repairs
 - Level of fees

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Finding a new factor

Finding a new factor

- Try and resolve issues with your existing factor first, if you have one
- A majority of owners can agree to change factors
- Shop round for a factor
- Interview two or three
- Factors may not take your building on if there is history of debt
- Factors may require you to bring your building up to standard before taking you on

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Self-factoring

Self factoring

- The best self factors:
 - Have an owners association
 - Share out tasks
 - Have a maintenance account
 - Get professional help to identify and supervise repairs
 - Are prepared to get tough with non-paying owners and sub-standard builders

More information from UnderOneRoof.scot

You need internet access to follow these links

More about [Property Factors](#)

The [Code of Practice](#)

[Home Owners Housing Panel](#)

[Self-factoring](#)