

PE1691/C

Law Society submission of 31 July 2018

Thank you for your letter of 3 July 2018 inviting us to comment on the actions called for in the above petition.

We understand that the statutory requirement for a two-thirds majority of owners to reach agreement in order to implement a change of property factor in a sheltered accommodation estate was a policy decision made at the time of the passing of the Bill.

We recognise that agreement of a two-thirds majority of owners can, on some occasions cause difficulty when seeking to remove a factor. On the other hand, we acknowledge that there is a desire to have continuity in the management of a sheltered accommodation estate given the potential vulnerabilities of the residents.

We believe it is for the Scottish Parliament to decide what an appropriate majority should be. We do not have a view on this matter. However, we note that any reduction to the current statutory requirement has the potential to discourage factors from agreeing to manage such properties in the future.

We also note that a factor responsible for managing properties will be subject to the code of conduct for registered property factors. The Scottish Government has recently published its analysis of the responses received to its consultation on the draft revised code of conduct for registered property factors. We anticipate that a revised code will be published in due course.

We hope that you find our comments helpful.

If we can be of further assistance, please do not hesitate to contact us.