

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

**Decision on homeowner's application: Property Factors (Scotland) Act 2011
Section 19(1)(a)**

Chamber Ref: FTS/HPC/PF/25/3566

**23 Morningfield Mews, Aberdeen, AB15 4ER
("the Property")**

The Parties:-

**Mr Stanley Wood, 22 Westhill Grange, Westhill, Aberdeenshire, AB32 6QJ
("the Homeowner")**

**Atholls Factoring Limited, 16 North Silver Street, Aberdeen, AB10 1RL
("the Property Factor")**

Tribunal Members:

Yvonne McKenna (Legal Member)

Donald Wooley (Ordinary Member)

DECISION

The Tribunal dismissed the application.

The decision is unanimous.

Background

1. The Homeowner made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) for determination that the Property Factor had failed to comply with the Code of Conduct for Property Factors 2021 ("the 2021 Code") and had failed to comply with the Property Factor's duties.
2. The application was dated 10 August 2025. This application was on Form C1 and complained of breaches of the 2021 Code; Written Statement of Services, sections not specified; Financial Obligations at paragraphs 3.2, 3.4, 3.6, 3.11 and 3.12. The application also complained of a failure to comply with Property Factor's duties.
3. Copy emails between the Parties, information sheet 'identifying sinking funds shortfall', and a copy of the Property Factor's Written Statement of Services (WSS) accompanied the application.

4. A legal member of the Chamber with delegated powers of the Chamber President accepted the application on 5 March 2026 and a Case Management Discussion (CMD) was fixed for 5 August 2026 at 10.00am by telephone conference call.
5. Prior to the CMD, the Tribunal attempted to issue the case papers to the Property Factor at the address given, however these were returned to the Tribunal noted as 'addressee gone away'. Further enquiry by the Tribunal disclosed that the company no longer exists, and according to companies house, were liquidated. On 29 June 2026, and 6 July 2026, the Tribunal contacted the Homeowner to explain that the application could not be served on the Property Factor due to the fact that they were liquidated. The application makes note of the acquisition of Atholl's Factoring Ltd. by Newton Property Management; however, the case has been registered under Atholl's Factoring Limited. On 13 July 2026 the Tribunal asked the Homeowner if he still wished the CMD to proceed.
6. On 21 July 2026, the Homeowner responded in the following terms; -

'Good afternoon Megan, There is only one item in which I would like you to pursue the sum of approximately £288,000. This money was transferred from Athels factors to the Royal Bank of Scotland. Could this sum be traced for expenditure even if this factor has been liquidated?'
7. The Tribunal responded to the Homeowner to state that no legal advice could be given and provided the details of advice bodies who may be willing to assist.

The CMD 5 August 2026

8. The CMD took place by teleconference on 5 August 2026. The Homeowner was not in attendance. The Factor was not in attendance.
9. On the morning of the CMD, the Tribunal received an e-mail from the Homeowner's son stating that the Homeowner was in hospital, terminally ill.
10. The Tribunal then had regard to Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 which states that the Tribunal "may do anything at a case management discussionincluding making a decision".
11. In the circumstances the Tribunal dismissed the application on the basis the Homeowner had not identified how the current application could continue against a liquidated Property Factor; and on the basis of a want of insistence.

Appeals

A homeowner or property factor aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Yvonne McKenna Legal Member and Chair

5 August 2026 Date