



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/PF/18/3168

Re: 29 Old Dalmore Drive, Auchendinny, EH26 0NG("the Property")

Parties:

Mrs Sarah Montunato residing at 29 Old Dalmore Drive, Auchendinny, EH26 0NG ("the Applicant")

Charles White ("the Respondent")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the applicant dated 20th November 2018 under section 17(1) of the Property Factors (Scotland) Act 2011 requesting the Tribunal to determine that the Respondent has failed to comply with the Code of Conduct and Property Factor's duties.

The Tribunal sent the applicant a letter dated 27th November 2018 which requested further information to enable the application to be processed. No response was received to that letter. The Tribunal administration sent the applicant a reminder letter by email dated 15th January 2019. A further reminder email was sent to the applicant by the Tribunal administration dated 25th February which referred to the said letter dated 27th November 2018 and advised that if we do not receive the information requested timeously our legal convenor is likely to assume that the matter has been resolved and may reject the application on that basis.

As no response has been received to the said letters dated 27th November 2018 and 15th January 2019 and the said email dated 25th February 2019 the Tribunal believe that the dispute has been resolved and reject the application in terms of rule 8 (1)(b) of the Tribunal Rules.

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party 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

J Taylor

Legal Member

Date: 4th April 2019