



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/20/0960

Re: 914 Springfield Road, Glasgow, G31 4HE ("the Property")

Parties:

James Drumey ("the Applicant")

Parkhead Housing Association ("the Respondent")

Tribunal Member: (Legal Member)

The Tribunal rejects the application by the Applicant dated 11th March 2020 being an application under section 17(1) of the Property Factors (Scotland) Act 2011 (hereinafter referred to as 'The Act').

The application states that the Applicant owns a shop 914 Springfield Road, Glasgow, G31 4HE and the application is in respect of that property.

Section 17(1) of the Act states that a homeowner may apply to the First tier Tribunal for a determination of whether a property factor has failed to carry out property factor duties or comply with the property factor code of conduct. Section 10(5) of the Act defines a homeowner as an owner of land used to any extent for residential purposes the common parts of which are managed by a property factor or the owner of residential property adjoining or neighbouring land which is managed by a property factor and is available for use by the owner.

The Applicant is not the owner of residential property. The application states that the property 914 Springfield Road, Glasgow is a shop.

Accordingly the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) 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

A Devany

.Legal Member

Date: 28th March 2020