



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rules 8(1) and 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/PF/24/4162

Flat 3/3, 24 Castle Street, Paisley, Renfrewshire, PA1 2JP ("the Property")

Parties:

**Godwin Igwe ("Applicant")
Globe Housing Scotland Ltd ("Respondent")**

Tribunal Member: Ruth O'Hare (Legal Member) with delegated powers from the Chamber President

Decision

The Tribunal rejects the application by the Applicant received by it on 9 September 2024 under Rule 8(1)(c) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules").

Background

- 1 The Applicant submitted an application to the Tribunal under Rule 43 of the Rules for a determination of whether the Respondent had failed to carry out the property factor's duties, and ensure compliance with the property factor code of conduct as required by section 14(5) of the Property Factors (Scotland) Act 2011 ("the 2011 Act").
- 2 On 18 September 2024 the Tribunal wrote to the Applicant seeking clarification regarding his application in terms of the alleged breaches by the Respondent. The Tribunal also requested the notification to the Respondent that was a requirement under section 17(3) of the 2011 Act as the Applicant had provided a template letter which was incomplete. The Tribunal further noted that the Applicant had stated that he was relying upon breaches of the property factor's duties, but had not provided any specification as to what those duties were. Again, the Applicant was advised that he must provide notification to the Respondent of his complaint, and provide an opportunity for the Respondent to respond. The Applicant was asked to provide copies of any responses received. Finally the Tribunal requested a copy of the written statement of services which is a requirement for an application under Rule 43.

- 3 On 18 September 2024 the Applicant emailed the Tribunal to advise that he had sent the Tribunal everything he had regarding the matter. The Respondent had not provided a written statement of services despite repeated requests. He went on to outline some of the issues he had experienced with the Respondent.
- 4 On 28 October 2024 the Tribunal wrote again to the Applicant advising that his application could not be accepted in its current form. The Tribunal requested a full response to the previous request for information dated 18 September 2024, or confirmation that the Applicant wished to withdraw the application.
- 5 On 31 October 2024 the Applicant emailed the Tribunal advising that the Respondent had not provided him with a written statement of services. He confirmed that he had attached all of his correspondence with the Respondent with his original application. The Respondent had refused to communicate with him but was continuing to issue invoices. The Applicant no longer wished to deal with them.
- 6 On 3 December 2024 the Tribunal wrote to the Applicant explaining that he had not dealt with the majority of the matters raised in the Tribunal's previous request for information dated 18 September 2024. The Applicant was advised that he would be given a final opportunity to provide an application that was acceptable and it would be likely that the application would be rejected if he did not comply with the requirements. The Applicant was encouraged to seek advice from an advice agency or solicitor.
- 7 On 3 December 2024 the Applicant emailed the Tribunal to advise that he had requested a copy of the written statement of services from the Respondent on numerous occasions and that he had sent everything he had in relation to the matter. He felt that the Tribunal was not prepared to address the issues he was having with the Respondent.

Reasons for Decision

- 8 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1) (c) which states that an application must be rejected if the Tribunal has "good reason to believe that it would not be appropriate to accept the application." The basis of the decision is that the Applicant has failed to provide the information requested by the Tribunal under Rule 5(3) of the Rules which is necessary to meet the required manner for lodgement. The Applicant has been asked for the information on several occasions. The Applicant has been warned that a failure to provide the information may result in the application being rejected. Accordingly the Legal Member has concluded that the application cannot be accepted in its current form and must be rejected under Rule 8(1)(c).
- 9 For the avoidance of doubt the Applicant is not prevented from raising a further application against the Respondent if he wishes to do so. However, the Legal Member would strongly encourage he take advice from an advice agency or

independent solicitor before doing so to ensure that any application meets the requirements of the Rules.

NOTE: What you should do now.

If you accept this decision there is no need to reply. If you disagree with this decision you should note the following: A party aggrieved by this decision of the Chamber President or any legal member acting under delegated powers 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 seek permission to appeal within 30 days of the date the decision was sent them. Information about the appeal procedure can be forwarded on request.

Ruth O'Hare, Legal Member
22 January 2025