

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/4538

Flat 2/2, 134 Medwynn Street, Whiteinch, G14 9QL ("the Property")

Parties:

Robbie Morrow ("Applicant")

Hacking and Paterson Management Services ("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 2 October 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 1 November 2024 the Tribunal wrote to the Applicant requesting the notification to the Respondent that was a requirement under section 17(3) of the 2011 Act together with any response received. The Tribunal also requested a copy of the title deeds and the Respondent's written statement of services. The Applicant was asked to provide the information no later than 28 November 2024.
- 3 The Applicant did not respond. On 3 December 2024 the Tribunal wrote again to the Applicant requesting the information. The Applicant was advised that if he did not respond by 10 December 2024 the application may be rejected.
- 4 No further response was received from the Applicant.

Reasons for Decision

- 5 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 two 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).

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