

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) in terms of in respect of an Application under Section 17 of the Property Factors (Scotland) Act 2011 (“the Act”) and Rule 24 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Reference number: FTS/HPC/PF/24/0047

Re: 43, Daisy Street, Glasgow, G42 8HG (“the Property”)

The Parties: Ms. Annie Christodoulidis residing at Flat 2/1, 43, Daisy Street, Glasgow, G42 8HG (“the Homeowner”)

James Gibb Residential Factors, 65, Greendyke Street, Glasgow G1 5PX (“the Property Factor”)

Tribunal Members

Karen Moore (Chairperson) Carol Jones (Surveyor and Ordinary Member)

Decision (in absence of the Homeowner)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application be dismissed.

Background

1. By application received between 8 and 15 January 2024 (“the Application”) the Homeowner applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination that the Property Factor had failed to comply with the Code of Conduct for Property Factors 2021 (“the Code”) at OSP 3 and 11 and at Sections 2.7, 6.4 and 6.7. As part of the Application, the Homeowner submitted an inventoried bundle of the following documents: i) copy notification to the Property Factor of the matter complained of in the Application; ii) Copy of the Property Factor’s Written Statement of Services; iii) Copy photographs of the Property and iv) Copy correspondence between the Parties.

2. A Case Management Discussion (CMD) took place on 18 April 2024 at 14.00 by teleconference. The outcome of the CMD was that a Hearing of evidence was fixed for 9 September 2024 at 10.00 am in the Glasgow Tribunal Centre.

Hearing

3. The Hearing took place on 9 September 2024 at 10.00 at the Glasgow Tribunal Centre. The Homeowner was not present and was represented by her neighbour, Mr. Dawson. The Property Factor was present and represented by Mr. Wallace.
4. The Tribunal explained the scope of the Application and the Hearing to Mr. Dawson. Following a discussion with Mr. Dawson in respect of how he might proceed at the Hearing, it became apparent to the Tribunal that Mr. Dawson did not have a copy of Application and the Section 17 intimation letter and so was not fully aware of the precise detail of the Homeowner's case. As the Application is based on specific sections of the Code and as the wording of the Code is central to the evidence, the Tribunal advised that, in the interest of justice, the Hearing should be adjourned. Mr. Wallace, fairly, did not oppose the adjournment.
5. The adjourned Hearing took place on 3 February 2025 at 10.00 at the Glasgow Tribunal Centre. The Homeowner was not present and was not represented. The Tribunal noted that the Hearing had been intimated to the Homeowner. The Property Factor was present and represented by Mr. Wallace.

Decision and reasons for the decision

6. The Tribunal had no relevant or up to date information on which to determine if there were grounds to grant the Application. Therefore, the Tribunal dismissed the Application.
7. This decision is unanimous.

Right of Appeal

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.

Karen Moore

3 February 2025

Legal Member/Chair

Date