



**Statement of Decision with Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 17 of the Property Factors (Scotland) Act 2011 (“the Act”) and Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

Case reference FTS/HPC/PF/24/3113 (“the Application”)

Re: 31 Carmuir Drive, Newarthill, ML1 5US (Property)

**Parties**

Mrs Julie Cogan residing at the Property (Applicant and Homeowner)

Residential Management Group Scotland Limited (Respondent and Property Factor)

**Tribunal Members**

Karen Moore (Chairperson) and Jane Heppenstall (Ordinary Member)

**Decision**

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

**Background**

1. By application received between 9 July 2024 and 05 September 2024, the Homeowner applied to the Tribunal for a determination that the Property Factor had failed to comply with the Property Factor Code of Conduct as required by Section 14(5) of the Act.
2. A case management discussion (CMD) was fixed for 2 May 2025 at 14.00 and intimated to the Parties.
3. Prior to the CMD both Parties lodged written submissions. In particular, by emails dated 29 April 2025, the Parties indicated to the Tribunal that the matters between them had been settled. However, the Homeowner did not formally withdraw the Application.

**CMD**

4. The CMD took place on 2 May 2025 at 14.00 by telephone. Neither the Homeowner nor the Property Factor attended nor were they represented.

### **Decision and Reasons for Decision**

5. The Tribunal had regard to all the information before it had regard to Rule 17(4) of the Rules which states that the Tribunal *“may do anything at a case management discussion .....including making a decision”* .
6. The Tribunal took the view that, as neither Party had appeared and as the email correspondence of 29 April 2025 indicated that the matter had settled, the Application had been abandoned. Therefore, the Tribunal dismissed the Application.

### **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.**

**02 May 2025**

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**Legal Member/Chair**

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**Date**

