



First-tier Tribunal for Scotland (Housing and Property Chamber)

Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 17 of the Property Factors (Scotland) Act 2011

Chamber Ref: FTS/HPC/PF/24/1709

Re: Flat B, 124 Old Rutherglen Road, Glasgow, G5 0RH ("the Property")

Parties: **Applicant:** Mr Christopher Hogg (the Homeowner)

Property Factor: New Gorbals Housing Association

Decision: The application is dismissed.

Reasons for decision

The case called as a Case Management Discussion on 12th December 2025.

The Homeowner was present. Gillian Cameron attended for the Property Factors, who were represented by Kirstie Donnelly, Solicitor. Ms Donnelly had sent the Tribunal written representations in advance of the Case Management Discussion.

The Homeowner applied to the Tribunal on form C1, which relates to the 2012 Code of Conduct, and was received by the Tribunal on 24th April 2025. The Homeowner was asked to provide further information to the Tribunal, and his application was accepted on 31st August 2025. The Notice of Acceptance referred to papers received between 22nd April 2025 and 22nd June 2025.

It was noted by the Tribunal that a form C2 was received by the Tribunal and attached to an email from the Homeowner on 24th June 2025.

The C1 referred to alleged breaches of the Code in terms of Section 4: Debt Recovery at paragraphs 4.6 and 4.9 of the 2012 Code of Conduct. The C2 Application referred to alleged breaches of the Code in terms of Section 4: Debt Recovery at paragraph 4.5 of the 2021 Code of Conduct and the Property Factor Duties. There appeared to be some confusion as to what Code of conduct was being referred to with the C2 Application erroneously referring to the older code of conduct.

In these circumstances, the Tribunal administration would normally allocate 2 separate

case reference numbers for each application when there are alleged breaches across both codes of conduct and only one case number had been allocated to this application. The Tribunal decided that the C1 rather than the C2 had been accepted by the Tribunal given the dates referred to on the Notice of Acceptance.

The Homeowner at the Case Management Discussion confirmed that he also wanted the Tribunal to consider breaches of the code since August 2021. The Tribunal explained that they were not able to do so as the Property Factor had not been formally notified of the alleged breaches within Form C2 and on this basis, the Tribunal could only consider the Form C1 Application.

However, the agent for the Property Factor had also noted that the undated "Property Factor Code of Conduct Letter" at p.41 of the casefile had not been intimated to them. It was sent to the Tribunal rather than directly to the Property Factor. This meant that neither application could be considered.

The Homeowner's preference was to start the application process again, in order that the Tribunal could also consider alleged breaches of the code since 16th August 2021. The Homeowner was advised that the alleged breaches would require to be intimated to the Property Factors in the first instance and prior to making an application. This would allow the Tribunal to properly consider the alleged breaches.

The Homeowner was advised to ensure that he refers to the correct Code of Conduct when making an application, which would be the 2012 Code for an alleged act or omission prior to 16 August 2021 and the 2021 Code of Conduct for anything that happened after 16 August 2021, when both intimating the alleged breaches and when reapplying to the Tribunal.

Fiona Cook
Chairperson of the tribunal
Dated: 12th December 2025