



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(b) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules) and Section 18(2)(d) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”)

Reference number: FTS/HPC/PF/25/4607

Re: Property at 11 Muirhouse Street, Glasgow, G41 1QD (“the Property”)

The Parties:

Miss Yun Zheng, 11 Muirhouse Street, Glasgow, G41 1QD (“the Applicant”)

Tribunal Member: Ruth O’Hare, Legal Member, with delegated powers from the Chamber President

Decision

The Legal Member rejects the application under Rule 8(1)(b) of the Rules and Section 18(2)(d) of the 2011 Act as the dispute to which the application relates has been resolved.

Background

- 1 This is an application under section 17(2) of the Property Factors (Scotland) Act 2011 (“the 2011 Act”) and Rule 43 of the Rules. The Applicant sought a determination that the property factor had failed to comply with the duties under section 14(5) of the 2011 Act in respect of compliance with the Property Factors Code of Conduct 2021.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member of the Tribunal with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner. Following said review the Tribunal wrote to the Applicant by email on 5 December 2025 in the following terms:-

“Your application to the Chamber under Section 17(1) of the Property Factors (Scotland) Act 2011 has been referred to the Chamber President for consideration. A legal Member of the Tribunal with delegated powers of the Chamber President has considered the applications submitted by you and has determined that further information is required:

1. The form you have submitted has not been completed correctly. At Section 7 it states: "tick the appropriate box which specifies the part of the Code which you believe has been breached, and in the space provided list the paragraphs of the code which you feel the Property Factor has failed to comply with." The application form is returned for amendment.

2. Section 17 (3) of the Property Factors (Scotland) Act 2011 states that no application can be made to the Tribunal unless the homeowner has notified the property factor in writing as to why it is considered that the property factor has failed to carry out the property factor's duties or comply with the Code and the property factor has refused to resolve, or unreasonably delayed in attempting to resolve, the homeowner's concern. You have submitted copies of correspondence, but it is not considered that this is sufficient notification in terms of the Act. You require to write to the property factor setting out clearly **which paragraphs of the Code you consider it has failed to comply with and why you consider this to be so**. A copy of the letter of notification requires to be submitted to the Tribunal together with evidence of its delivery such as a copy of a sent email, an acknowledgement or proof of signed for mail. Template letters are attached which you may find useful. The application must mirror the letters of notification. You will need to submit a letter of notification in respect of each version of the Code.

3. You have completed section 7B of the application form. 'Property factor's duties' is generally taken to apply to any duties other than those under the code of conduct. The source of a property factor's duties could be, for example, the factor's written statement of services, the title deeds for the property, any other relevant contract, or the general law of agency. It may be that, on reflection, you consider that an application in respect of alleged failure to comply with the Code is sufficient. If you do want this to be part of your application, you must also notify the property factor about this/these complaint(s) before we can take the application forward. You will need to write to the property factor stating clearly why you believe it has failed to comply with its duties, which duties you believe have been breached, and the source of these duties. A template notification letter in relation to property factor's duties is attached and you may find it useful. This is the letter which states 'I am writing to inform you that I believe that you have failed to carry out your property factor duties as set out in section 17 (5) of the Property Factors (Scotland) Act 2011'. If you are sending a letter of notification, please provide a copy and evidence that the property factor has received it.

4. Please note that a property factor requires to be given an opportunity to respond to any Section 17 notification sent by a homeowner. Please provide copies of any responses received.

5. In terms of Rule 43 (2) (d) of the Tribunal Rules, an application has to be accompanied with the written statement of services issued to you by the property factor. Please provide us with a copy of this.

Please reply to this office with the necessary information by **16 January 2026**, when your application will be further considered by the Chamber President. If

we do not hear from you within this time, the Chamber President may assume that the dispute has been resolved and consequently may reject the application in terms of Section 18(2) of the Act. It is, therefore, important that you respond within the timescale given.”

- 3 The Tribunal did not receive a response from the Applicant. On 19 January 2026 the Tribunal wrote again to the Applicant by email in the same terms asking for a response no later than 26 January 2026, failing which the President may decide to reject the application.
- 4 The Tribunal has received no response from the Applicant as at the date of this decision.

Reasons for decision

- 5 The Legal Member has determined that the application should be rejected in terms of section 18(2) of the 2011 Act, which states that an application must be rejected if *“the dispute to which the application relates has been resolved”*. As no response has been received to the Tribunal’s emails dated 5 December 2025 and 19 January 2026 and given that it has now been four months since the application was made by the Applicant, the Legal Member believes that the dispute has been resolved. The application is therefore rejected under Rule 8(1)(b) of the Rules and section 18(2)(d) of the 2011 Act.

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.

Ruth O'Hare

Legal Member/Chair

27 February 2026

Date