

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/26/0638

Flat 11, 55 Risk Street, Dumbarton, G82 1SG ("the Property")

Parties:

James O'Donnell ("Applicant")

Tribunal Member: Ruth O'Hare (Legal Member) with delegated powers from the Chamber President

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that there is good reason to reject the application received by it on 10 February 2026.

The Tribunal therefore rejects the application 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 and section 17 of the Property Factor (Scotland) Act 2011 ("the 2011 Act") for a determination as to whether the Respondent had failed to carry out the property factor's duties, and ensure compliance with the property factors code of conduct.
- 2 On 30 March 2026 the Tribunal wrote to the Applicant requesting the notification to the property factor as required under section 17(3) of the 2011 Act, as the correspondence provided did not provide sufficient notice of the complaint. The Applicant was also asked to submit a copy of the written statement of services issued to them by the property factor. Since there was no response from the Applicant, the Tribunal issued a reminder on 28 April 2026 which stated that, if no response was received by 5 May 2026, the application may be rejected. No response has been received to either of the requests for information.

Reasons for Decision

- 3 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.
- 4 Section 17(3)(a) of the Act states that an application to the Tribunal cannot be made unless the homeowner has notified the property factor in writing as to why the homeowner considers that the property factor has failed to carried out the property factor’s duties or, as the case may be, to comply with the duty under section 14 of the 2011 Act. The Applicant has failed to provide evidence that he has given such notification.
- 5 Rule 43(2)(d) of the Rules requires an Applicant to submit a copy of the property factor’s written statement of services. The Applicant has failed to provide a copy of this document.
- 6 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 accordingly there is good reason to believe that the application should 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
11 June 2026