

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF MARTIN J. MCALLISTER,
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED
POWERS OF THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Rules")**

**in connection with
60 Redcroft Road, Danderhall, EH22 1FQ ("the Property")**

Case Reference: PF/25/3010

Alisdair McDonald ("the Applicant")

1. The Applicant applied to the Tribunal on 11 July 2025, in terms of Section 17 of the Property Factor (Scotland) Act 2011 ("the 2011 Act"). The Tribunal issued requests for further information to the Applicant. Some information was provided. On 27 January and 13 February 2026, the Applicant was asked to address the application form which was incomplete. The Applicant was asked to provide a copy of the written statement of services and to clarify whether an offer of settlement made by the property factor has been accepted.
2. No response was received and reminders were sent on 11 March and 13 May 2026.
3. The Applicant has not responded to the requests for information.

Decision

4. The Legal Member considered the application in terms of Rule 5. Rule 5 provides: - (1) An application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules 43, 47 to 50, 55, 59, 61, 65 to 70, 72, 75 to 91, 93 to 95, 98 to 101, 103 or 105 to 111,

as appropriate. (2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgment have been met. (3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment. “

- 5. After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1) (c), and Rule 43 (2) (d) of the Rules. Rule 8 (1) (c) 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.”**

REASONS FOR DECISION

6. Rule 43 (2) (d) of the Rules requires an applicant to submit a copy of any written statement of services provided by the Property Factor.
7. The Applicant has failed to provide information, having been directed to do so in a request for further information by the Tribunal, in terms of Rule 5(3) of the Rules.
8. The Applicant has failed to submit a properly completed application form.
9. The Legal Member therefore determines that the application cannot be accepted. The application is rejected on that basis.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the 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 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. Information about the appeal procedure can be forwarded to you on request.

Martin J. McAllister, Legal Member
2 July 2026