



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Case reference FTS/HPC/PF/26/0077

Parties

Mr Joseph Johnston (Applicant)

**14 Luggieburn Walk, Heritage Gate, Coatbridge, North Lanarkshire, ML5 1EE
(Property)**

Tribunal Member: Jacqui Taylor (Legal Member)

1. Background.

1.1 The Applicant made an application under section 17(1) of the Property Factors (Scotland) Act 2011 dated 30th December 2025.

1.2 The Tribunal sent the Applicant an email dated 12th February 2026 which requested further information to enable the application to be processed and asked that the requested information be provided by 12th March 2026. The email was 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. He has indicated that further information is required before a decision can be made on the validity of your application or whether it should be referred to a tribunal: 1. You have submitted a form which has been redundant for over four years. The Code of Conduct was revised, and a new Code was effective from 16 August 2021. The appropriate application for is Form C2 which can be found on the Chamber's website. 2. It is noted that the form you have submitted has not been completed properly. You are referred to Section 7 of Form C2 which states that the relevant sections of the Code and relevant

paragraphs require to be entered. 3. 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 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. A template letter is attached which you may find useful. The application must mirror the letter of notification. 4. 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 1 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. 5. 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. 6. Please provide a copy of your title. 7. 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. It is not clear that you have submitted the current written statement of services issued to you by the property factor. Please now submit this. Please reply to this office with the necessary information within 28 days (by 12 March 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.'

1.3 The Tribunal has sent reminder emails to the Applicant dated 13th March 2026, 14th May 2026 and 28th May 2026 requesting the information specified in the email from the Tribunal dated 12th February 2026. The emails stated that if the information was not provided it is likely that the application will be rejected.

1.4 The required information has not been provided.

2. Decision.

As the Applicant has not provided the Tribunal with the information requested in the email from the Tribunal dated 12th February 2026 after sending three reminders the Tribunal have good reason to believe that the dispute to which the application relates has been resolved and therefore it would not be appropriate to accept the application and reject the application in terms of rules 8 (1)(b) (c) of the Tribunal Rules.

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

Jacqui Taylor

Legal Member

Date: 6th July 2026