



Decision and statement of Reasons of the First-Tier Tribunal (Housing and Property Chamber)

Under Rule 8 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ‘the Rules’.

In respect of application by Mr Scott Prior in terms of rule 43 of the Rules.

Case reference FTS/HPC/PF/26/2395

At Glasgow on the 30 July 2026, Lesley Anne Ward, legal member of the First –Tier Tribunal ‘the Tribunal’ with delegated powers of the Chamber President, rejected the above application in terms of Rule 8(1) a) and (c) of the Rules

1. This is an application by Mr Scott Prior, ostensibly an application for breach of the Property Factors Code of Conduct, in terms of rule 43 of the Rules. The application was dated 26 May 2026 and entered into the case management system of the tribunal chamber on 28 May 2026.
2. The in-house convenor reviewed the application and the Tribunal wrote to the applicant seeking further information on 29 June 2026 as follows:

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. She 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. Please note the following:

- (i) Section 17 of the 2011 Act sets out that “a homeowner may apply to the First-tier Tribunal for determination of whether a property factor has failed—
 - (a) to carry out the property factor's duties,
 - (b) to ensure compliance with the property factor code of conduct as required by section 14(5) (the “section 14 duty”)” You have provided photographs of what appears to be pages from a tenancy agreement. Please clarify whether you are a homeowner or a tenant? If you are a tenant and not a homeowner, your application appears to be incompetent.
- (ii) Subject to the point raised at (i) above, if you are a homeowner please provide a copy of the property title deeds.
- (iii) Please provide a copy of the property factor’s written statement of services. Please reply to this office with the necessary information by 13 July 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. If you require any further information please contact us using the above contact details and quoting your reference number.

3. The applicant replied on 6 May 2026 as follows:

I can confirm I am a mid market rent tenant so please advise what it is that you require?.

4. Rule 8(1)(a) of the Rules allows an application to be rejected by the Chamber President if ***“they consider that an application is vexatious or frivolous”***.
5. “Frivolous” in the context of legal proceedings is defined by Lord Justice Bingham in R-v- North West Suffolk (Mildenhall) Magistrates Court (1998) Env.L.R.9. At page 16 he states:- “What the expression means in this context is, in my view, that the court considers the application to be futile , misconceived, hopeless or academic”.
6. I consider that this application is frivolous or vexatious and has no reasonable prospect of success. The application is incompetent. The applicant is a tenant who appears to have a complaint about his landlord. He is not a homeowner and he is not making a complaint about the conduct of a property factor.
7. Further, in terms of Rule 8 (1) (c) of the rules I have good reason to consider that it would not be appropriate to accept this application. The Code of Conduct of Property Factors is not applicable to the applicant’s circumstances. He appears to have a complaint about the condition of the property he is renting from Sanctuary Housing. Rule 43 does not apply and the application cannot be accepted. The applicant may wish to seek advice from a solicitor, Shelter or Citizens Advice about his complaint.

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:

An Applicant 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.

Lesley Anne Ward - Legal Member

30 July 2026