



Decision and Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”)

Reference number: FTS/HPC/PF/26/0718

Re: Property at 14 Kennedy Gardens, Kilwinning, North Ayrshire, KA13 7BF (“the Property”)

The Parties:

Mrs Jan McCann, 14 Kennedy Gardens, Kilwinning, North Ayrshire, KA13 7BF (“the Applicant”)

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

Decision

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept this application. The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1** The Applicant submitted an application to the Tribunal on 13 February 2026 under section 17 of the Property Factors (Scotland) Act 2011 (“the 2011 Act”). The application was reviewed by a Legal Member of the Tribunal with delegated powers from the Chamber President under Rule 5(2) of the Rules. On 21 March 2026 the Tribunal wrote to the Applicant requesting further information. The Applicant was asked to provide evidence that the property factor had been notified of her concerns in relation to the alleged breaches of the Code of Conduct for Property Factors and its alleged failure to comply with the property factor’s duties. The Applicant was also asked to provide a copy of the property factor’s written statement of services.
- 2** The Applicant did not respond therefore the Tribunal sent reminders to her on 1 May 2026, 22 June 2026 and 9 July 2026. The Applicant was advised that if she failed to provide a response, her application may be rejected by the Chamber President.
- 3** No response has been received from the Applicant as at the date of this decision.

Reasons for decision

- 4 The Legal Member has 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”*.
- 5 The basis of the decision is the Applicant’s failure to provide the documents required to meet the mandatory requirements for an application under Rule 43. Rule 43(2)(a) states that a homeowner must attach to the application a copy of the notification from the homeowner to the property factor for the purposes of section 17(3)(a) of the 2011 Act. Rule 43(2)(d) states that a homeowner must provide any statement of services provided by the property factor to the homeowner.
- 6 The Tribunal has requested further information from the Applicant under Rule 5(3) of the Rules which states that *“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 held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the required manner for lodgement”*. Four requests for information have been sent to the Applicant. She has therefore been given the opportunity to address the outstanding matters.
- 7 The Legal Member has accordingly determined that the Applicant’s failure to provide the requested information constitutes good reason to reject the application under Rule 8(1)(c).

A party 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 parties on request.

Dated: 19 August 2026