



Decision with Statement of Reasons of Karen Moore, Legal Member of the First tier Tribunal with delegated powers of the Chamber President of the First-tier Tribunal for Scotland (Housing and Property Chamber), under Section 18 of the Property Factor (Scotland) Act 2011 (“the PF Act”).

Case reference FTS/HPC/PF/26/2271

Parties

Mr Elliot Lambie (Applicant and Homeowner)

2/2 94 Deanston Drive, Glasgow, G41 3LH (Property)

Tribunal Member:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be rejected in terms of Section 18 (2) (b) of the Property Factors (Scotland) Act 2011 (“the PF Act”).

Background

1. The Application was received by the Tribunal on 20 May 2026 under Rule 43 and Section 17 of the Property Factors (Scotland) Act 2011 (“the PF Act”).

2. The application was considered by the Tribunal and, by email dated 21 May 2026, the Applicant was advised that the Application was incomplete as a supporting document could not be read. The Applicant was asked to resubmit this in a readable format but did not do so. By further emails dated 29 June 2026 and 4 August 2026, the Applicant was advised that the application could not be accepted as it did not conform to Section 17(3) of the PF Act as there was no evidence of prior notification of the alleged breaches and failures to comply to the Property Factor and a copy of the written statement of services did not accompany the Application. The emails dated 29 June 2026 and 4 August 2026 explained why the Application was not in an acceptable format and explained to the actions which the Applicant should take to ensure that the Application complies with the legislation. The emails dated 29 June 2026 and 4 August 2026 both warned that a failure to reply might mean that the Application would be rejected. No replies were received from the Applicant and the relevant documentation was not submitted.
3. The Tribunal considered the application in terms of Section 18 (1) and 18(2) of the Property Factors (Scotland) Act 2011 (“the PF Act”) which provide:- “(1)The Chamber President must decide whether to (a)refer an application under section 17(1) to the First-tier Tribunal, or (b) reject the application. (2)The Chamber President may reject an application only if the Chamber President considers (a)that it is vexatious or frivolous, (b)that the homeowner has not afforded the property factor a reasonable opportunity to resolve the dispute, (c)where the homeowner has previously made an identical or substantially similar application in relation to the same property, that a reasonable period of time has not elapsed between the applications, or (d)that the dispute to which the application relates has been resolved.”
4. As there is no evidence that the Applicant has complied with Section 17(3) of the PF Act, the Tribunal is of the view that the Applicant as homeowner has not afforded the Property Factor a reasonable opportunity to resolve the dispute and so the Tribunal rejects the Application on this ground.

Right of Appeal

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.

Karen Moore

Legal Member

29 September 2026