Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 39 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 ("the Rules") and section 44 of the Tribunals (Scotland) Act 2014 ("the 2014 Act")

Reference number: FTS/HPC/PF/25/1261

Re: Property at common land at Bucklerburn Development, Peterculter, Aberdeen ("the Property")

The Parties:

Mr James Keith Robertson, Rubislaw, Newtonmore Road, Kingussue, Highland, PH21 1HD ("the Applicant")

Newton Property Management Limited, 87 Port Dundas Road, Glasgow, G4 0HF ("the Respondent")

Tribunal Members: Ruth O'Hare, Legal Member, and Ahsan Khan, Ordinary Member

Background

1 Reference is made to the decision of the tribunal dated 7 April 2026 in terms of which the tribunal proposed to make a property factor enforcement order ("PFEO") against the Respondent under section 19(1) of the 2011 Act. The tribunal gave notice of the proposed PFEO to the parties and allowed them the opportunity to make representations.

2 On 1 May 2026 the tribunal received a request for permission to appeal its decision of 7 April 2026 from the Respondent. The tribunal considered that the issues raised in the request for permission to appeal could be dealt with more expeditiously by a review of the decision and that it would be in the interests of justice to do so. In terms of Rule 39(1) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017, the tribunal may review a decision at its own instance. A hearing on the review was scheduled to take place on 6 November 2026.

3 On 27 October 2026 the tribunal received an email from the Applicant stating that he had reached a settlement with the Respondent and on that basis was seeking to withdraw his application.

Reasons for decision

4 Section 44(1) of the 2014 Act provides that in a review by the tribunal, the tribunal may take no action, set the decision aside, or correct a minor or accidental error contained in the decision. Section 44(2) of the 2014 Act provide that where a decision is set aside by the First-tier Tribunal in a review, it may re-decide the matter concerned, refer the matter to the Upper Tribunal, or make such other order as the tribunal considers appropriate.

5 The Applicant has confirmed that the dispute to which the application relates has now been settled. Therefore, there is no longer any need for the proposed PFEO, and the Applicant seeks to withdraw the application on that basis.

6 Accordingly, the tribunal has determined to set aside its decision of 7 April 2026. Thereafter, the tribunal notes that the application has been withdrawn by the Applicant under Rule 15(1)(b) of the Rules and accordingly no further action is required.

7 The decision of the tribunal was unanimous.

Ruth O'Hare
Chairperson of the tribunal
Dated: 2 November 2026