

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision by the Convener with Delegated Powers of the Chamber President

Under Rule 8 of the Schedule 1 to the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) (Regulations) 2017 ('the 2017 rules')

Re: Application to First-tier Tribunal made under Section 17 of the Property Factors (Scotland) Act 2011 and Rule 43 of the 2017 rules

Chamber Reference Number: FTS/HPC/PF/18/2906

Re: Anchor Mill, 7 Thread Street, Paisley, PA1 1JR

Parties:

**Stuart Crawford, residing at the Property (the homeowner)
Ross And Liddell (the property factor)**

Legal Member: Jacqui Taylor

Decision

After careful consideration of the homeowner's application in terms of rule 8 of the 2017 rules, **I have decided that the application should be rejected.**

Reasons for the decision and grounds for rejection

I have considered the application in terms of Rule 8 of the 2017 rules. Rule 8 provides as follows:

Rejection of application

8.—(1) The Chamber President or another member of the First-tier Tribunal under the delegated powers of the Chamber President, must reject an application if—

(a)...

(b) the dispute to which the application relates has been resolved;

(c) they have good reason to believe that it would not be appropriate to accept the application...

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision.

Reasons for decision

The Tribunal sent you a letter dated 10th January 2019 which referred to the letter you had received from the Property Factor dated 28th November 2018 which suggested that the Property Factor hopes to find a resolution to the matter of all homeowners concerned. We asked for confirmation whether such a resolution has yet been reached or if progress has been made towards a resolution. We also asked you to provide a copy of the Factor's service level agreement. No response was received to that letter. The Tribunal administration sent you a reminder dated 19th February 2019. In that letter you were advised that if we do not receive the information requested by 5th March 2019 our legal convenor is likely to assume that the matter has been resolved and may reject the application on that basis.

As no response has been received to the said letters dated 10th January 2019 and 19th February 2019 the Tribunal believe that the dispute has been resolved and reject the application in terms of rule 8(10(b) of the Tribunal Rules.

For the reasons stated above, your application is rejected.

What you should do now

If you accept the Convener's decision, there is no need to reply.

If you disagree with this decision –

A party aggrieved by the decision of the Chamber President or the Convener 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 you on request.

Yours sincerely

Jacqueline Taylor

Date: 13 March 2019

Jacqueline Taylor

Convener

Legal member of the First-tier Tribunal for Scotland (Housing and Property Chamber)