

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

STATEMENT OF DECISION: in respect of an application under section 17 of the Property Factors (Scotland) Act 2011 (“the Act”) and issued under Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).

Reference number: FTS/HPC/PF/21/3071 and FTS/HPC/PF/21/3232

Re: Property at Flat 1/ 2, 19, Newlandsfield Road, Newlands, Glasgow, G43 2XU (“the Property”)

The Parties:

Mr. Andrew Crichton residing at 35, Birchview Drive, Busby, G76 8SW (“the Homeowner”)

Lowther Homes Property Management, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL (“the Property Factor”)

Tribunal Members

Karen Moore (Chairperson) and Mike Links (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the Applications and made no Orders.

Background

1. By application received between 10 December 2021 and 7 April 2022 (“the Applications”) the Homeowner applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination that the Factor had failed to comply with the Property Factor Code of Conduct 2011 and the Property Factor Code of Conduct 2021 and had failed to comply with the Property Factor Duties.
2. On 20 April 2022, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (CMD) was fixed for 29 June 2022 at 10.00 by telephone conference call and intimated to both Parties

3. Neither Party submitted written representations prior to the CMD, although the Homeowner made an enquiry regarding the conduct of the CMD.


CMD and Outcome

4. The CMD took place on 29 June 2022 at 10.00 by telephone conference call. Neither Party took part nor was either Party represented. The Tribunal had regard to the Applications but could not be satisfied that it was appropriate to grant the Applications or make any Orders. Accordingly, the Tribunal, by unanimous decision and in terms of Rule 17(4) of the Rules, dismissed the Applications without Order.

Appeal

In terms of section 46 of the Tribunals (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

Signed

A solid black rectangular box used to redact the signature of the Chairperson.

Karen Moore, Chairperson

29 June 2022