



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (The Procedure Regulations).

Case reference FTS/HPC/PF/23/3764

Parties

Mr Alan McClements (Applicant)

Trinity factors (Property Factor)

4 Lochend Road, Edinburgh, EH6 8BR (Property)

Tribunal Member: Jacqui Taylor (Legal Member)

1. The Tribunal rejects the application by the Applicant dated 25th October 2023, being an application under section 17(1) of the Property Factors (Scotland) Act 2011.
2. The Application states that the Applicant believes that the Property Factor has not complied with specified sections of the Code of Conduct and property factor duties.
3. The Tribunal sent the applicant an email 7th November 2023 which requested further information to enable the application to be processed, including evidence of notification of the application to the factor, and asked that the information be provided by 5th December 2023.
4. The Applicant sent the Tribunal an email dated 13th November advising that evidence of notification has been provided.

5. The Tribunal sent the Applicant an email in response dated 29th November 2023 which explained that the evidence of notification of the application to the Property Factor provided was not sufficient in terms of section 17 of the Property Factors (Scotland) Act 2011 and requested the required evidence of notification to be provided by 27th December 2023.
6. As the required evidence of notification has not been received the Tribunal sent the applicant a further email dated 28th December 2023 requesting the applicant to provide the required information.
7. The said emails dated 7th and 29th November 2023 and 28th December 2023 explained that if the information was not provided the President may decide to reject the application.
8. The applicant has not provided the Tribunal with the information requested namely evidence that the breaches of the Code of Conduct and the property factor duties specified in the application have been notified to the Property Factor.
9. Accordingly the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.
10. **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**

Jacqui Taylor

.....Legal Member

Date: 22nd January 2024