



**DECISION AND STATEMENT OF REASONS OF MARTIN J. MCALLISTER,  
LEGAL MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED  
POWERS OF THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property  
Chamber Rules of Procedure 2017 ("the Rules")**

**in connection with  
Flat 2, 10 Gaskell Street, Edinburgh, EH14 2A5 ("the Property")**

**Case Reference: FTS/HPC/PF/25/2524**

**Cara Ovens ("the Applicant")  
REDACTED ("the Property Factor")**

1. The Applicant submitted an application to the Tribunal on 12 June 2025, in terms of Section 17 of the Property Factor (Scotland) Act 2011 ("the 2011 Act"). On 8 September 2025 July the Tribunal issued a request for further information to the Applicant. The Applicant was asked to provide evidence that the Property Factor had been notified of the concerns of the Applicant in relation to alleged breaches of the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors ("the Code") and its alleged failure to comply with the property factor's duties and was also asked to provide a copy of the the written statement of services which had been issued by the Property Factor.
2. The Applicant did not respond and, on 7 October 2025, the Tribunal issued a reminder.
3. No response has been received to either request for information.

## **Decision**

4. The Legal Member considered the application in terms of Rule 5. Rule 5 provides: - (1) An application is held to have been made on the date that it is lodged if, on that date, it is lodged in the manner as set out in rules 43, 47 to 50, 55, 59, 61, 65 to 70, 72, 75 to 91, 93 to 95, 98 to 101, 103 or 105 to 111, as appropriate. (2) The Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, must determine whether an application has been lodged in the required manner by assessing whether all mandatory requirements for lodgment have been met. (3) If it is determined that an application has not been lodged in the prescribed manner, the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, may request further documents and the application is to be held to be made on the date that the First-tier Tribunal receives the last of any outstanding documents necessary to meet the requirement manner for lodgment. “
  
5. **After consideration of the application the Legal Member considers that the application should be rejected in terms of Rule 8(1) (c), Rule 43 (2) (a) and Rule 43 (2) (d) of the Rules. Rule 8 (1) (c) states that an application must be rejected if the Tribunal has “good reason to believe that it would not be appropriate to accept the application.”**

## **REASONS FOR DECISION**

6. The Application is in terms of Section 17 of the 2011 Act and Rule 43. Section 17 (3 (a) of the Act states that an application to the Tribunal cannot be made unless the homeowner has notified the property factor in writing as to why the homeowner considers that the property factor has failed to carry out the property factor's duties or, as the case may be, to comply with the section 14

duty must set out “the homeowners reasons for considering the property factor has failed to carry out the property factor duties or, as the case may be, to comply with the section 14 duty.” Rule 43 (2) (a) of the Rules requires an applicant to submit a copy of the notification.

7. The Applicant has failed to provide evidence that he has given such notification.
8. Rule 43 (2) (d) requires an applicant to submit a copy of the written statement of services.
9. The Applicant has failed to provide information, having been directed to do so in a request for further information by the Tribunal, in terms of Rule 5(3) of the Rules.
10. The Legal Member therefore determines that the application cannot be accepted. The application is rejected on that basis.

### **What you should do now**

If you accept the Legal Member’s decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the decision of the Chamber President, or any Legal Member acting under delegated powers, 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.

Martin J. McAllister, Legal Member  
28 November 2025