

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision by the Convener

Re: Application to First-tier Tribunal made under Section 17(1) of the Property Factors (Scotland) Act 2011

NOTICE OF REJECTION TO: Mr Peter Ilgunas and Miss Kerry Bamber

Chamber Reference Number: FTS/HPC/PF/17/0368

Address: 2 Dalzell House, Motherwell ML1 2SJ

Dear Mr Ilgunas and Miss Bamber

Thank you for your application to the First-tier Tribunal for Scotland (Housing and Property Chamber). All the information you provided has been carefully considered. I have now made a decision in exercise of my delegated powers under section 96 of the Housing (Scotland) Act 2014 and Section 16 (8) of the Property Factors (Scotland) Act 2011 ('the Act'), regarding your application in terms of section 17(1) of the Act.

Decision

I have considered your application in terms of Section 18 of the Act. After consideration of your application, **I have decided that your application should be rejected.**

Reasons for the decision and grounds for rejection

I have considered your application in terms of Section 18 of the Act. That Section provides as follows:

Section 18(1) - The Chamber President must decide whether to-

- (a) refer an application under section 17 (1) to the First-tier Tribunal, or
- (b) reject the application

Section 18 (2) - The Chamber President may reject an application only if the Chamber President considers-

- (a) that it is vexatious or frivolous'
- (b) that the homeowner has not afforded the property factor a reasonable opportunity to resolve the dispute'
- (c) where the homeowner has previously made an identical or substantially similar application in relation to the same property, that a reasonable period of time has not elapsed between the applications, or
- (d) that the dispute to which the application relates has been resolved.

The reasons for the decision and grounds for rejection are as follows:

The information required to proceed with your application was requested in writing in our letter to you of 21 November 2017 and our reminder letter, sent by both email and post, dated 11 January 2018, but these met with no response from you. I have therefore concluded that the dispute to which your application relates has been resolved, and I have therefore decided to reject your application under Section 18 (2) (d) of the Act.

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 Tenant 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

Sarah O'Neill
Convener
Legal member of the First-tier Tribunal for Scotland (Housing and Property Chamber)