Housing and Property Chamber
First-tier Tribunal for Scotland

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.

Case reference FTS/HPC/PF/26/4694

Parties:

Mrs Karine Zerhouni (Applicant)

Flat 2/2, 14 Woodcroft Avenue, Glasgow, G11 7HX (Property)

Tribunal Members: Jacqui Taylor (Legal Member)

1. Background.

1.1 The Applicant made an application under section 17(1) of the Property Factors (Scotland) Act 2011 dated 1st October 2025.

1.2 The Tribunal sent the Applicant an email dated 15th December 2026 which requested further information to enable the application to be processed by 12th January 2026. The email was in the following terms:

'Your application to the Chamber under Section 17(1) of the Property Factors (Scotland) Act 2011 has been referred to the Chamber President for consideration. A legal member of the Tribunal with delegated powers of the Chamber President has considered the application submitted by you and it has been determined that further information is required before the matter can progress:

1. You have submitted an application form C1 which is the correct form for any alleged breaches of the Code before 16th August 2021 in relation to the 2012 Code of Conduct. It is suggested that you may also want to submit an application form C2 in respect of any failures of the property factor after 16th August 2021. If you do not do so, the Tribunal will limit its consideration of the application to matters before that date.

2. If it is your position that you consider that the property factor has failed to comply with the Code both prior to and after 16th August 2021, then you will require to submit two forms- C1 and C2. The notifications to the property factor will also have to reflect that you consider that it has failed to comply with each edition of the Code. I attached a copy of the 2012 and 2021 Codes of Conduct for your information.

3. You have partially completed section 7 of the C1 application form. You have ticked the boxes to indicate that you complain relates to breaches of sections 1,2,3 and 4 of the 2012 Code of Conduct but you have not included details of which paragraphs within each section you feel that the Factor has failed to comply with. I attach your C1 application to enable you to complete section 7.4.
4. In respect of alleged breaches of the 2012 Code, you will require to write to the property factor, setting out in turn each specific paragraph of the Code you believe it has failed to comply with, and setting out the reasons why you believe it has failed to comply with each of these paragraphs. We enclose a template notification letter relating to breaches of the 2012 Code which you may wish to use.

5. Please send us a copy of your letters of notification, together with proof of sending, which may be a copy of a sent email, proof of sending by recorded delivery or a written acknowledgement from the property factor. Please also send us any response you receive from the property factor. You must allow the property factor a reasonable period of time to respond to your letter. Please allow a period of 21 days for the property factor to respond, and let us know if you have not received a response within that timescale.

6. You have ticked the box at Part 7B of your application form. This is used where you wish to make a complaint about a failure to carry out the property factor's duties. 'Property factor's duties' is generally taken to apply to any duties other than those under the code of conduct. The source of a property factor's duties could be, for example, the factor's written statement of services, the title deeds for the property, any other relevant contract, or the general law of agency. You must also notify the property factor about this complaint(s) before we can take your application forward. You will need to write to the property factor stating clearly why you believe it has failed to comply with its duties, which duties you believe have been breached, and the source of these duties. You may wish to use the enclosed template notification letter in relation to property factor's duties. This is the letter which states 'I am writing to inform you that I believe that you

have failed to carry out your property factor duties as set out in section 17 (5) of the Property Factors (Scotland) Act 2011'.

7. Please send us a copy of your letter of notification, together with proof of sending, which may be a copy of a sent email, proof of sending by recorded delivery or a written acknowledgement from the property factor. As with the code of conduct complaints, you must allow the property factor a reasonable period of time to respond to this letter. Please allow a period of 21 days for the property factor to respond, and let us know if you have not received a response within that timescale. Please send us a copy of any response you receive from the property factor.

8. You will need to be aware when dealing with the notifications and the applications that the paragraphs of the two versions of the Code are different.

9. Please provide a copy of the written statement of services provided to you by the property factor.

10. Please provide a copy of your title deeds.

Please reply to this office with the necessary information by 12 January 2026, when your application will be further considered by the Chamber President. If we do not hear from you within this time, the Chamber President may assume that the dispute has been resolved and consequently may reject the application in terms of Section 18(2) of the Act. It is, therefore, important that you respond within the timescale given.'

1.3 The Tribunal sent reminder emails to the Applicant dated 29th January 2026 and 25th April 2026. The Applicant sent the Tribunal an email dated 27th May 2026 but did not provide the information requested in points 4,5,6,7 and 9 of the letter dated 15th December 2025.

1.4 The Applicant sent the Tribunal a further email dated 5th August 2026 that sought clarification of the outstanding matters.

1.5 The Tribunal sent the Applicant an email dated 25th August 2026 which clarified the further information to enable the application to be processed. The email was in the following terms:

'Thank you for your email of 5 August 2026 which has been reviewed by a legal member of the Tribunal. The legal member has confirmed that the following information remains outstanding in terms of the Tribunal's request for information dated 15 December 2025:

1. In respect of alleged breaches of the 2012 Code (Form C1), you will require to write to the property factor, setting out in turn each specific paragraph of the Code you believe it has failed to comply with, and setting out the reasons why you believe it has failed to comply with each of these paragraphs. We enclose a template notification letter relating to breaches of the 2012 Code which you may wish to use. Please note that the paragraphs of the two versions of the Code are different.

2. Please send us a copy of your letters of notification above, together with proof of sending, which may be a copy of a sent email, proof of sending by recorded delivery or a written acknowledgement from the property factor. Please also send us any response you receive from the property factor. You must allow the property factor a reasonable period of time to respond to your letter. Please allow a period of 21 days for the property factor to respond, and let us know if you have not received a response within that timescale.

3. You have ticked the box at Part 7B of your application form. This is used where you wish to make a complaint about a failure to carry out the property factor's duties. 'Property factor's duties' is generally taken to apply to any duties other than those under the code of conduct. The source of a property factor's duties could be, for example, the factor's written statement of services, the title deeds for the property, any other relevant contract, or the general law of agency. You must also notify the property factor about this complaint(s) before we can take your application forward. You will need to write to the property factor stating clearly why you believe it has failed to comply with its duties, which duties you believe have been breached, and the source of these duties. You may wish to use the enclosed template notification letter in relation to property factor's duties. This is the letter which states 'I am writing to inform you that I believe that you have failed to carry out your property factor duties as set out in section 17 (5) of the Property Factors (Scotland) Act 2011'.

4. Please send us a copy of your letter of notification, together with proof of sending, which may be a copy of a sent email, proof of sending by recorded delivery or a written acknowledgement from the property factor. As with the code of conduct complaints, you must allow the property factor a reasonable period of time to respond to this letter.

Please allow a period of 21 days for the property factor to respond, and let us know if you have not received a response within that timescale. Please send us a copy of any response you receive from the property factor.

5. Please provide a copy of the written statement of services provided to you by the property factor. If you do not have a copy of this, you can request this from the property factor. Please reply to this office with the necessary information by 22 September 2026, when your application will be further considered by the Chamber President. If we do not hear from you within this time, the Chamber President may assume that the dispute has been resolved and consequently may reject the application in terms of Section 18(2) of the Act. It is, therefore, important that you respond within the timescale given. If you require any further information please contact us using the above contact details and quoting your reference number.'

1.6 The Tribunal sent a reminder email to the Applicant dated 23rd September 2026 requesting the information specified in the email from the Tribunal dated 25th August 2026. The email stated that if the information was not provided by 30th September 2026 it is likely that the application will be rejected.

1.7 The required information has not been provided.

2. Decision.

As the Applicant has not provided the Tribunal with the information requested in the email from the Tribunal dated 25th August 2026 after sending a reminder the Tribunal have good reason to believe that the dispute to which the application relates has been resolved and therefore it would not be appropriate to accept the application and reject the application in terms of rules 8 (1)(b) (c) of the Tribunal Rules.

3. Appeal

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: 16th November 2026