Housing and Property Chamber
First-tier Tribunal for Scotland

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
33 Trinity House, Trinity Quay, Aberdeen, AB11 5AA ("the Property")

Case Reference: FTS/HPC/PF/26/3172

Sherif Saleh ("the Applicant")

1. The Applicant applied to the Tribunal on 8 July 2026 in terms of Section 17 of the Property Factor (Scotland) Act 2011 ("the 2011 Act"). On 14 August 2026 the Tribunal issued a request for further information to the Applicant.

2. The Applicant was asked to submit the correct application form, to produce evidence that he had notified the Property Factor about the alleged breach of the Code and its failure to carry out the property factor's duties, and to produce a copy of the Property Factor's written statement of services. Template letters were provided to assist the Applicant.

3. No response was received to the request for information, and, on 14 September 2026, the Tribunal sent a reminder to the Applicant.
4. No response has been received to either of the requests for information.

DECISION

5. The Legal Member considered the applications 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. "

6. **After consideration of the applications the Legal Member considers that they should be rejected in terms of Rules 5 (3) and 8(1) (c) 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

7. The Applications are 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." The applicant has provided no evidence

that he has given the appropriate notification to the property factor.

8. 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.

9. The Applicant has failed to submit the correct application form.

10. The Legal Member therefore determines that the applications cannot be accepted. The applications are 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
12 November 2026