



**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.**

Chamber Ref: FTS/HPC/PF/21/0163

Re: Flats 10 and 11 Station Road, Dumbarton, G82 1SA

("the Property")

Parties:

James O'Donnell, 14 Main Street, Dundee, DD4 7EN ("the Applicant")

David Maclean, 54 E Hercus Loan, Mussleburgh, EH21 64Z ("the Applicant's Representative").

Ross and Liddell Ltd, 60 St Enoch Square, Glasgow, G1 4AW ("the Respondent")

Tribunal Member: Martin J. McAllister (Legal Member)

**Decision**

**The Tribunal rejects the application by the applicant dated 20<sup>th</sup> January 2021 being an application under section 17(1) of the Property Factors (Scotland) Act 2011.**

**Reasons**

The Tribunal sent the Applicant's Representative an email dated 3<sup>rd</sup> February 2021 which requested that further information be provided by 3<sup>rd</sup> March 2021 to enable the application to be processed. On 2<sup>nd</sup> March 2021, the Applicant requested that he be

given more time to provide information. He was advised that he had until 19<sup>th</sup> March 2021 to provide information. A reminder was sent on 29<sup>th</sup> March 2021. The email sent to the Applicant on 3<sup>rd</sup> February 2021 indicated that, if the information requested was not received, the President may decide to reject the application.

The information requested has not been received despite the Applicant being given opportunities to do so.

Accordingly the Tribunal has good reason to believe that it would not be appropriate to accept the application and rejects the application in terms of rule 8 (1) (c) of the Tribunal Rules.

**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**

Martin J. McAllister, Legal Member, 19<sup>th</sup> April 2021