



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/21/1436

Parties

Miss Janice Leary (Applicant)

Newton Property Management limited (Respondent)

Mr Adam Al-Khateb (Applicant's Representative)

9 Braehead Road, 54 Braehead Road, 348 Braehead Road, Cumbernauld, Glasgow, G67 2DE (Property)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the applicant dated 14th June 2021, being an application under section 17(1) of the Property Factors (Scotland) Act 2011.

The Tribunal sent the applicant an email 13th July 2021 which requested further information to enable the application to be processed, including evidence of notification of the application to the factor, and asked that the information be provided by 10th August 2021.

As the required information was not provided the Tribunal sent the applicant a further email dated 11th August 2021 requesting the applicant to provide the required information.

The said email dated 11th August 2021 explained that if the information was not provided the President may decide to reject the application.

The applicant has not provided the Tribunal with the information requested namely evidence that proper notification had been made to the Property Factor, confirmation

that the applicant had exhausted the Property Factor's complaints procedure and the provision of a letter of authority signed by Janice Leary authorising her representative to act on her behalf.

Accordingly the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject 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

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Legal Member

Date: 30th August 2021