

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 Rules 8.1 and 26 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulation 2017

Chamber Ref: FTS/HPC/PF/25/0308 (C1) and FTS/HPC/PF/25/1200 (C2)

Property address: 6 Mill Wynd, Waterside, Kilmarnock, KA3 6JL (“the Property”)

The Parties

Ms Louise Foster, 6 Mill Wynd, Waterside, Kilmarnock, KA3 6JL (“the Applicant and Homeowner”)

Newton Property Management Ltd., 87 Port Dundas Road, Glasgow, G4 0HF (“the Respondent and Property Factor”)

Tribunal Members

Ms B Black – Legal Member

Mrs M Lyden – Ordinary Member

Personally Present:

Ms C Flannigan (Representative for the Respondent)

Case Management Discussion on 16th July 2026 at 10am

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“The Tribunal”) determined that there is good reason to reject the applications received by it between 19th March 2025 and 16th September 2025 .
2. The Tribunal therefore rejects the application under Rule 8.1(c) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“The Rules”).

Background

3. The Applicant applied to the Tribunal on, in terms of Section 17 of the Property Factor (Scotland) Act 2011 (“the 2011 Act”).
4. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10am on 16th July 2026. The Applicant was not present on the call.
5. The case had previously called for a CMD on 26th March 2026 at 10am, both parties were present on that date.
6. Following the CMD on 26th March 2026, the Tribunal issued a direction requesting that the Applicant set out in detail the relevant sections of the Code and Overarching Standards of Practice that she considered had been breached by the Property Factor. The Applicant was directed as part of the CMD as to how to set this information out and why it was required. She was advised that the Tribunal could not proceed without this information as the Property Factor required fair notice of the alleged breaches of the Code and Overarching Standards of Practice to allow them to respond to the Applicant’s points of complaint.
7. A request was received by the Tribunal, from the Applicant, by email dated 15th July 2026 requesting a postponement of the CMD assigned for 16th July 2026. No

reasons were given by the Applicant for the request and this was refused by the Tribunal due to the late notice of the request, the lack of reasons put forward by the Applicant and due to the fact that the CMD assigned for 16th July 2026 had been arranged for a significant period of time and the information requested remained outstanding.

Reasons for Decision

8. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10am on 16th July 2026. A Representative for the Property Factor was present on the call. The start of the call was delayed to ascertain whether the Applicant was going to attend.
9. It became clear that the Applicant was not going to join the CMD teleconference call.
10. Ms Flannigan on behalf of the Property Factor requested that the Tribunal considered dismissing the application on the basis that the Applicant was not on the call despite being given advance notice of the hearing, she said that despite the request for the postponement being refused, the Applicant could still have been present on the call and made her request verbally for an adjournment. It was made clear to the Applicant what was required as part of the previous CMD in March 2026 and she had failed to adequately set out what sections of the Code or Overarching Standards of Practice she believed had been breached. This meant that the Property Factor was unable to respond to her complaints.
11. The Tribunal adjourned briefly to discuss the request by the Property Factor to reject the application.
12. The Tribunal considered the application in terms of the rules and determined that the application should be rejected in terms of Rule 8(1)(c), which states that an application must be rejected if the Tribunal has “good reason to believe it would

not be appropriate to accept the application". The basis of the decision is that the applicant has failed to provide the information requested by the Tribunal under Rule 5(3) of the Rules which is necessary to meet the required manner for lodgment and she failed to attend the CMD.

13. Section 17(3)(a) of the 2011 Act states that an application cannot be made to the Tribunal unless the Homeowner has notified the Property Factor as to how they consider the Property Factor has failed to carry out the Property Factors duties or as the case may be to comply with the duty under Section 14 of the 2011 Act. The applicant has failed to provide evidence that she has given such notification, the applicant has been asked to set out clearly the Sections of the Code or Overarching Standards of Practice that she believes has been breached, she has failed to do so. Rule 43 (2) (a) of the Rules requires an applicant to submit a copy of the notification. The Applicant has failed to provide evidence that she has given such notification. The email dated 27th May 2026 from the Applicant does not constitute notification in terms of the Act. 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.

14. The applicant had been asked for additional information when she originally lodged her application and the again by the Tribunal following the CMD on 26th March 2026. Despite being given two opportunities to provide the information, the applicant has failed to do so. Accordingly, the application cannot be accepted in its current form. 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. The Applicant was advised of the further CMD assigned for 16th July 2026 and failed to attend. Accordingly the Tribunal believes that there is good reason to reject the application under Rule 8(1)(c).

What you should do now

15. 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.

Barbara Black

Legal Member

18th July 2026