



Decision and Statement of Reasons under Section 17 (1) of the Property Factors (Scotland) Act 2011 (“The Act”)

Reference number: FTS/HPC/PF/25/3562

Re: Property at Flat B1, 72 St Vincent Terrace, Glasgow, G3 8DX (“the Property”)

The Parties:

Mr William Kong, 14 Berelands Crescent, Rutherglen, Glasgow, G73 1XW (“the Applicant”)

Glasgow West Enterprise Ltd, 5 Royal Crescent, Glasgow, G3 7SL (“the Respondent”)

Tribunal Members:

Mr A. McLaughlin (Legal Member) and Mr. R Buchan (Ordinary Member)

Background

[1] The Applicant seeks a determination that the Respondent has breached their obligations under *The Property Factors (Scotland) Act 2011: Code of Conduct for Property Factors* (“The Code”).

The Hearing

[2] The Application called for a Hearing conducted as a Case Management Discussion at 10 am on 19 August 2026. The Applicant was represented by Ms Candice Li. The Respondent was represented by Ms Claire Mullen of TC Young. Ms Mullen’s office had submitted representations setting out reasons as to why the Application ought to be dismissed at the earliest opportunity.

Discussion

[3] The Application contained a prior notification letter dated October 2025 which only referred to a breach of the Property Factor’s Duties and in particular the Respondent’s

written statement of services. However, one of the versions of the Application in Form C2 submitted by the Applicant then referred to paragraphs of the 2021 Code which simply did not exist and which had not been notified to the Respondent as required by Section 17 (3) of the Act. The Application Forms had been set out along with pages of text which indicated explicitly that AI has been used to complete them. The Application Forms were incomplete and contradictory and there was no evidence that the notification requirements of Section 17 (3) of the Act had been met.

[4] The Tribunal discussed these issues with Ms Li but she appeared unable to grasp the issues or respond in any meaningful way. Latterly, she appeared to be accepting that she had perhaps not followed procedures and had used AI to complete the form.

[5] The Tribunal decided that the Application ought to be refused. The issues raised had not been properly notified to the factor before as required by Section 17 (3) of the Act and the Application referred to sections of the Code that did not exist.

[6] The Application is refused.

APPEAL PROVISIONS

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

Legal Member
19 August 2026