



DECISION OF

Sheriff Jillian Martin-Brown

ON AN APPLICATION FOR PERMISSION TO APPEAL

(DECISION OF UPPER TRIBUNAL FOR SCOTLAND)

IN THE CASE OF

George Greig

Appellant

- and -

Residential Management Group Scotland Limited

Respondent

FTS Case Reference: FTS/HPC/PF/24/1765

Forfar, 13 February 2026

Decision

Permission to appeal is REFUSED.

Reasons For Decision

Background

1. The appellant (Mr George Greig) made an application for a Property Factor Enforcement Order against the property factors (Residential Management Group Scotland Limited)

under the Property Factors Scotland Act 2011 (FTS/HPC/PF/24/1765) in respect of the property at Flat 2/2, 20 Boydstone Path, Glasgow. An evidential hearing took place on 25 August 2025 and the First-tier Tribunal for Scotland (“FTS”) decided that the property factors had failed to comply with Overarching Standard of Practice 6 and paragraph 3.1 of the Property Factors Code of Conduct. The FTS proposed to make a Property Enforcement Order in the following terms:

“The Respondent is to write to the residents and clarify all increases to their management fees from 2023 onwards and explain to the residents how the increases were calculated. The Respondent should demonstrate compliance with this within 2 months.”

2. The appellant applied to the FTS for permission to appeal its decision to the Upper Tribunal. The FTS determined that the proposed appeal did not adequately identify any error of law and refused permission to appeal on 11 December 2025.
3. The appellant submitted an application to appeal to the Upper Tribunal on 22 December 2025. A permission to appeal hearing took place on 9 February 2026 by WebEx, attended by Mr Greig and Ms Imogen Harrison, Ms Lisa Pieper and Ms Julie Bruce-Sinclair on behalf of the respondent.

Grounds of Appeal

4. The appellant sought leave to appeal on six grounds as follows:
 - (i) whether the FTS failed to engage with material evidence;
 - (ii) whether the FTS managed the case inconsistently;
 - (iii) whether the FTS misapplied the legal test for breaches of the Code of Conduct;
 - (iv) whether the FTS made findings without an evidential foundation;
 - (v) whether the FTS acted irrationally and inconsistently; and
 - (vi) whether the FTS erred in refusing permission to appeal.

Submissions

5. In relation to ground (i), the appellant submitted that the FTS repeatedly concluded that his allegations were unsupported or unclear, despite extensive, paginated documentary evidence having been lodged. The FTS failed to engage with, analyse or make findings on: structured tables evidencing repeated breaches

of response timeframes; contemporaneous email chains directly supporting each breach; or documentary admissions by the respondent. The request to slim down the material was an error of law.

6. The respondent submitted that when the appellant first submitted his paperwork it was very difficult to determine what his actual points were and what breaches he alleged. The evidential hearing lasted from 9am until 3pm and the FTS went through each alleged breach. Both parties were given the opportunity to address each alleged breach.
7. In relation to ground (ii), the appellant submitted that it was procedurally unfair for the FTS to direct him to produce a single, indexed and continuously paginated bundle which spoke for itself and then criticise the appellant for relying on that document and draw adverse inferences on credibility when he had difficulty recalling specific details orally.
8. The respondent submitted that the appellant asked to refer to his bundle at various points in the hearing and was allowed to do so. Both parties were given the opportunity to lead evidence and make submissions. The hearing was fair.
9. In relation to ground (iii), the appellant submitted that the FTS accepted that certain obligations were not met but declined to treat them as breaches on the basis that they were minor, isolated or non-prejudicial. The Code did not import a *de minimis* threshold and once a failure to comply was established, a breach was made out.
10. The respondent submitted that the FTS did find that it had breached the Code, which it accepted. The FTS had acted fairly.
11. In relation to ground (iv), the appellant submitted that the FTS made findings that: the documentation was confused and unclear; allegations lacked specificity; and the evidence did not demonstrate unreasonable delay. Such findings were unsustainable when read against the structured, cross-referenced evidence provided.
12. The respondent submitted that the paperwork was confusing but the FTS considered each alleged breach. That the FTS preferred the respondent's position to the appellant's position did not mean that it had not listened to the appellant.
13. In relation to ground (v), the appellant submitted that FTS acted irrationally and inconsistently by acknowledging delays and accepting failures in communication but declining to find breaches or make meaningful enforcement orders.
14. The respondent submitted that the FTS did find failings in two areas, which it had accepted. One area did not require an order because it had already been resolved but a breach was still found.

15. Finally, in relation to ground (vi), the appellant submitted that the FTS failed to engage with the appeal grounds advanced and dismissed the appeal on the basis of volume rather than merit. It failed to apply the correct test for permission to appeal.
16. The respondent submitted that the evidential hearing had been fair and there were no grounds for appeal.

Decision

17. Beginning with ground (i), the FTS explained in its decision of 16 September 2025 that the total documentation submitted by the appellant exceeded 700 pages across various emails and was not in a manner that could properly be handled (para. 3). The FTS directed that the appellant reorganise his papers into a more manageable volume and the appellant submitted a slimmed down bundle comprising 270 pages. The FTS worked through that document at the evidential hearing on 25 August 2025. For each allegation, the FTS narrated both parties' positions, commented on the evidence and made findings in fact.
18. I determined that it was entirely appropriate for the FTS to case manage the volume of documentation to be considered in order to make efficient use of its time and resources. Notwithstanding the confusion caused by the way that the documentation had been presented, the FTS took time to go through each allegation, hear evidence and submissions and make findings in fact. I therefore determined that the FTS had engaged with the evidence provided by the appellant and I did not consider that the appellant had set out a basis as to how the FTS had erred in law. Accordingly, I refused this ground of appeal.
19. Turning to ground (ii), the FTS explained in its decision of 16 September 2025 that it found his evidence in relation to the allegation about carpet cleaning not to be credible or reliable because he had presented a photograph that pre-dated the cleaning as evidence that it had not been cleaned (para 40). Similarly, it did not find that the respondent had breached the Code in relation to the allegation about voting for major works because the appellant could not remember what the works in question were, nor was he able to point to any obligation on behalf of the respondent to provide residents with a copy of their own title deeds (para. 34).
20. I determined that there was no procedural unfairness as regards the FTS' findings on credibility and reliability in light of the evidence submitted by the appellant. Nor was it unreasonable for them to refuse to find breaches in the absence of supporting evidence from the appellant. I did not consider that the appellant had set out a basis as to how the FTS had erred in law and accordingly, refused this ground of appeal.
21. In relation to ground (iii), the FTS found in its decision of 16 September 2025 that the respondent breached Overarching Standard of Practice 6 because of a delay of approximately two months in making an agreed payment of £125 to settle a complaint which the appellant previously brought to the FTS. The FTS explained that it was a

relatively minor breach but a breach nonetheless (para. 26). In light of the new accounting system brought in at the end of 2022, the respondent indicated that it would be easier to make such ad hoc payments in the future. The FTS thought this was sufficient to resolve matters and accordingly felt it was not appropriate to make a Property Factor Enforcement Order on that issue (para. 27).

22. It is clear from the decision that the FTS *did* find that the respondent breached Overarching Standard of Practice 6, albeit a minor breach. There was no need for a Property Factor Enforcement Order because the payment had been made, albeit late, and a new accounting system had been implemented to avoid the problem in the future. The FTS also found that the respondent breached paragraph 3.1 of the Code of Conduct, in respect of which it *did* make an enforcement order. I did not consider that the appellant had set out a basis as to how the FTS had erred in law and accordingly, refused this ground of appeal.
23. In relation to ground (iv), the FTS explained in its decision of 16 September 2025 that given the significant number of allegations contained in the application, the FTS considered it expedient to consider each in turn and narrate each party's evidence in relation to that allegation, make comment on the evidence and make findings in fact (para. 10). Due to the non-sequential numbering of the allegations, the FTS substituted its own numbering. Allegations that related to similar themes but with different examples were considered as sub-complaints (para 11).
24. It was clear from the decision that at times, the FTS struggled to understand the points that the appellant was making. Nonetheless, it went through each of his allegations in turn and gave him the opportunity to explain his position. Though the appellant disagreed with the findings of the FTS in relation to his complaints about the property factors, I did not consider that he had set out a basis as to how the FTS had erred in law and accordingly, refused this ground of appeal.
25. In relation to ground (v), the FTS made findings in fact that the respondent had made errors, such as: sending another customer's statement of account to the appellant accidentally (para. 17); failing to put the appellant's account on hold as agreed while it investigated the appellant's complaint about an invoice (para. 21); delay in making an agreed payment (para. 26); paying duplicate invoices sent to them for fire alarm maintenance (para. 51); lack of transparency about management fees (para. 19); and uploading an incorrect Written Statement of Services to its online notice board (para 69). In respect of each of those errors, the FTS also explained why it did or did not amount to a breach of the Code or Overarching Standards of Practice. Again, while the appellant disagreed with the findings of the FTS in relation to such breaches, I did not consider that he had set out a basis as to how the FTS had erred in law and accordingly, refused this ground of appeal.
26. Finally, in relation to ground (vi), the FTS explained in its decision of 11 December 2025 that the appeal was considered, notwithstanding it was out of time (para. 3). However,

the FTS also explained that the appeal did not identify any error of law and was more akin to a fresh application re-presenting the case (para 7).

27. Rule 37 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 provides that an application for permission to appeal a decision of the FTS *must* identify the alleged points of law on which the person making the application wishes to appeal. I determined that the FTS applied the correct test in considering whether to grant permission to appeal and did not consider that the appellant had set out a basis as to how the FTS had erred in law. Accordingly, I refused this ground of appeal.

Refusal of Permission

28. Permission can only be granted if there are arguable grounds of appeal on a point of law (section 46 of the Tribunals (Scotland) Act 2014). As that statutory test is not met in relation to any of the six grounds, permission is refused.

Sheriff Jillian Martin-Brown
Member of the Upper Tribunal for Scotland