

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in relation to the application by the Homeowner for permission to appeal their decision under section 37 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref:FTS/HPC/PF/18/1405

Flat 15, 4 Thorntreeside, Edinburgh, EH6 8FF ('the Property')

The Parties:

Derek Main, Flat 15, 4 Thorntreeside, Edinburgh, EH6 8FF ('the Homeowner')

Redpath Bruce, Crown House, 152, West Regent Street, Glasgow, G2 2RQ ('the Factor')

Tribunal members:

Jacqui Taylor (Chairperson) and Andrew Murray (Ordinary Member).

Decision

The Tribunal, having considered the Homeowner's application to appeal its Decision dated 17th September 2018 refused permission to appeal to the Upper Tribunal for Scotland.

Background

The Homeowner applied to the Tribunal for Permission to Appeal the Tribunal's Decision dated 17th September 2018 and issued on 20th September 2018. The Homeowner's application was received by the Tribunal on 25th September 2018.

The application meets the requirements of Section 2 of the Scottish Tribunals (Time Limits) Regulations 2016 and Section 37 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Section 2 of the Scottish Tribunals (Time Limits) Regulations 2016 provides that the application for permission to appeal must be received within 30 days of the date the decision was sent to the Homeowner.

The Homeowner's application for leave to appeal was received timeously.

Section 37 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states *inter alia* that an application for permission to

appeal must state the alleged point or points of law on which the person making the appeal wishes to appeal and state the result the party making the application is seeking and section 46(4) of the Tribunal Act 2014 states that the Tribunal have to be satisfied that there are arguable grounds for the appeal.

Detail of the application.

The Application was in the following terms:

' Thank you for informing me of the decision.

After careful consideration, I would like to request permission to appeal to the upper tribunal.

I request this on the grounds I believe and can prove the property factor did in fact breach section 2.1 by providing information that is misleading and false. Moreover I believe and can prove the factor did so again during their verbal representation to the chamber on 4th September.'

The Tribunal considered the matters raised in the application for permission to appeal. The grounds stated are not considered to be arguable grounds for appeal as they are not setting out errors in law. Also the application does not state the result the Homeowner is seeking.

Consequently permission to appeal is refused.

Appeals

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may seek permission to appeal directly from the Upper Tribunal for Scotland on a point of law only. That party must seek permission to appeal within 30 days of the date the decision was sent to them. The request for permission to appeal must be in writing and you may wish to consult the Scottish Court and Tribunals Service website which includes an application form with information on the details required.

Jacqui Taylor

Signed ..

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Chairperson Date: 5th October 2018