

Statement of Decision under Rule 38(3) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (contained in Schedule 1 of the Chamber Procedure Regulations 2017 (SSI No 328)) (“the Procedure Rules”) in relation to a request for permission to appeal under section 46(3) (a) of the Tribunals (Scotland) Act 2014

Chamber Ref: FTS/HPC/PR/19/3386

Re: Property at 177 Croftspar Grove, Glasgow (“the Property”)

Parties:

Ms Deborah Mewhirter, 2 Blane Street, Coatbridge (“the Applicant”)

CPM, 315 Drumoyne Road, Glasgow (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- On 20 November 2019 the Tribunal rejected the above Application in terms of Tribunal Rule 8 (c) which allows an Application to be rejected by a Legal Member of the Tribunal on behalf of the Chamber President if “ *they have good reason to believe that it would not be appropriate to accept the application.*”
- The Application itself was raised in respect of Rule 103 seeking an order under Regulation 9 (1) of the Tenancy Deposit Schemes (Scotland) Regulations 2011.
- The Application was rejected on the basis that the Applicant confirmed that the tenancy ended on 31 May 2019 and so the Application, which was not submitted until 18 October 2019, was time-barred in respect of Regulation 9 (2) which states that any such Application must be made no later than 3 months after the tenancy has ended.
- By email dated 28 November 2019 The Applicant now applies for Permission to Appeal.
- Rule 37 (2) (b) provides that any Application for Permission to Appeal must identify the alleged points of law on which the person making the application wishes to appeal. Rule 38 provides that the Tribunal must decide whether to give permission to appeal on any point of law.

- The Application for Permission to Appeal refers to previous attempts to lodge an Application which were unsuccessful. The Application refers generally to previous difficulties in successfully lodging an Application timeously. The Applicant writes "*Given light of this I feel my application should be reviewed again as there was few set back (sic) before the legal member had chance to review my case.*"
- The Tribunal considers that reference to previous difficulties in lodging an Application do not constitute any identifiable error of law such that may entitle the Tribunal to grant the Application for Permission to Appeal.
- Accordingly, the Application for Permission to Appeal is refused.

APPEAL PROVISIONS

A party aggrieved by the decision of the Tribunal may seek permission to appeal to 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 Courts and Tribunals Service website which includes an application form with information on the details required.

A decision of the First-tier Tribunal relating to a permission to appeal request cannot be appealed or reviewed.



Andrew McLaughlin 18 December 2019

Legal Member