

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)
In an Application under section 17 of the Property Factors (Scotland) Act 2011
by

Sandra Dickson, 1 Myre Dale, Bonnyrigg EH19 3NW (“the Applicant”)

Charles White Limited, Citypoint, 65 Haymarket Terrace, Edinburgh EH12 5HD
(“the Respondent”)

Reference No: FTS/HPC/PF/20/2395

Re: Property at GF2, Chilton, Gracefield Court, Musselburgh EH21 6LL
(“the Property”)

Tribunal Members:

John McHugh (Chairman) and Mike Links (Ordinary (Surveyor) Member).

DECISION

The Tribunal refuses the Applicant’s request to extend the time available to her for review of the Tribunal’s Decision.

The decision is unanimous.

REASONS FOR DECISION

By email of 31 January 2022 the Applicant requested to be allowed to extend the time available to her to apply for a review of the Tribunal's Decision of 25 January 2022 which had been issued to her on 26 January 2022.

Her email stated as follows:

"I am considering requesting a review of this case but would ask that a time extension, probably until the end of February, be granted in order to give me a chance to look into the matter more deeply and make further enquiries. Also, as my computer skills are sadly lacking, I may need to seek assistance in this regard."

Tribunal Procedure Rule 39(1) provides that the Tribunal may review a decision made by it *"where it is necessary in the interests of justice to do so."*

Rule 39(2) states that the application *"must...be made within 14 days of the date on which the decision is made or within 14 days of the date that the written reasons (if any) were sent to the parties..."*

The Tribunal is provided with no specific power to extend the time period for review and we are of the view that we therefore may not grant the application. Even if we had the discretion to do so, the Applicant has offered no compelling reason for this. Review is intended for the situation where there is for example some material error in the Decision which requires correction, it should not be a matter which the Applicant requires to "look into" "more deeply". Her computer skills are also not relevant since all that is required is to make the application for review in writing and to copy it to the other party. That can be done by email or by letter.

APPEALS

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

JOHN M MCHUGH

CHAIRMAN

DATE: 7 February 2022

