



DECISION NOTICE OF SHERIFF ANTHONY DEUTSCH

ON AN APPLICATION TO APPEAL

in the case of

MISS AMANDA HEATH, 217 Old Inverkip Road, Greenock, Inverclyde,
PA16 9EW

Appellant

and

FIRST-TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY
CHAMBER, Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT;

MR GEORGE GREGORY, 44 Roxburgh Road, West Norwood, SE27 0LE

Respondent

FTT Case Reference FTS/HPC/EV/18/1045 & FTS/HPC/CV/18/1048

Decision

The Upper Tribunal refuses leave to appeal the decisions of the First-Tier Tribunal of 23 August 2018 bearing the chamber references: FTS/HPC/EV/18/1045 and FTS/HPC/CV/18/1048.

Reasons

[1] I have refused leave to appeal because I do not consider that in respect of either

decision the applicant has identified a point of law upon which she is appealing.

[2] In respect of the decision to grant an order for eviction the applicant opportunistically notices what I take to be a typographical error where the First-Tier Tribunal record that they considered an AT5 signed and dated 20 October 2018 when in fact the tenancy agreement was signed and dated 20 October 2017. Significantly the applicant does not state that the tenancy agreement was not a short assured tenancy.

[3] The other ground of appeal advanced in respect of the eviction is that the applicant did not receive the notice to quit. That is a question of fact. The First-Tier Tribunal was entitled to conclude that service was effected on the basis of the Sheriff officers certificate of service.

[4] Turning to the decision to order payment, all that is advanced is an assertion that work was not carried out on the property and that the applicant has photographic evidence. If what is intended is a claim that the applicant is entitled to withhold rent because of the condition of the property then it comes too late and is wholly unspecific.

[5] The first-tier Tribunal's decision to refuse an adjournment was a discretionary one which they were entitled to make on the basis that the medical certificate simply stated that the applicant was unfit for work and did not state that she was unable to attend due to ill health. They were also entitled to attach significance to the fact that the certificate was not given on soul and conscience.