



DECISION OF SHERIFF IAN MILLER

on an application for permission to appeal
(decision of First-tier Tribunal for Scotland)

in the case of

Mr Robert Crawford, Homeshaw House, 27 Broomhill Gardens, Newton Mearns, G77 5HP

Appellant

and

Bield Housing & Care, 79 Hopetoun Street, Edinburgh, EH7 4QF; First-tier Tribunal for
Scotland Housing and Property Chamber, Glasgow Tribunals Centre, 20 York Street,
Glasgow, G2 8GT

Respondent(s)

FTT Case Reference FTS/HPC/PF/18/2626

7th June 2019

Decision

The appellants' request for permission to appeal to the Upper Tribunal is refused because he has not identified any point of law that should go before the Upper Tribunal.

Introduction

[1] The appellant has requested permission to appeal a decision of the First-Tier Tribunal. The relevant history of the proceedings to date is as follows.

[2] The Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) is dated 21 February 2019. It held that the respondent had not failed to comply with its duties under section 14 of the Property Factors (Scotland) Act 2011 or its property factor's duties.

[3] The appellant sought a review of that decision. The Tribunal refused that request on 7 March 2019. The Tribunal did that because it considered that the application was wholly without merit. The Tribunal also stated that the decision was not subject to appeal.

[4] The appellant, by e-mail dated 27 March 2019, sought permission to appeal against that decision. The Tribunal considered that request and on 28 March 2019 made a direction that the appellant provide to the Tribunal within fourteen days details of the point of law which formed the basis of his proposed appeal. The appellant responded to that decision by forwarding a document to the Tribunal by e-mail variously dated 8 or 11 April 2019 in the papers. In that document he stated repeatedly that it contained points of law that he wished to present at appeal.

[5] On 24 April 2019 the Tribunal refused permission to appeal the decision. It did so for the reasons and on the legal basis set out in their written decision of that date. The conclusion was that the appellant's e-mail identified no point of law which might present the basis for an appeal.

Grounds of appeal

[6] On 15 May 2019 the Upper Tribunal for Scotland received from the appellant an application to appeal against that decision. He presented it under and in terms of section 46(3)(b) of the Tribunals (Scotland) Act 2014.

Discussion

[7] I have considered the appellant's application.

[8] The legal requirement for an appeal is set out in section 46(2) of the 2014 Act, that an appeal is available only on a point of law.

[9] I have reviewed the decision appealed against and the reasons that the Tribunal came for it.

[10] I have concluded that the decision reached the correct conclusion in fact and in law and that the reasons for the decision support that conclusion.

Conclusion

[11] Accordingly for the reasons given by the Tribunal I am of the opinion that the appellant's e-mail does not identify a point of law as required by section 46(2)(b) of the 2014 Act. I therefore refuse the appellant permission to appeal to the Upper Tribunal.

Ian H L Miller

Member