



DECISION NOTICE OF SHERIFF I H L MILLER
ON AN APPLICATION FOR PERMISSION TO APPEAL
(DECISION OF FIRST-TIER TRIBUNAL FOR SCOTLAND)

in the case of

ERIC HAMILTON, Flat 0/2, 29 Eriboll Place, Glasgow, G22 6PA

Appellant

and

THE GLASGOW HOUSING ASSOCIATION LIMITED, YOURPLACE PROPERTY
MANAGEMENT LIMITED, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL;
Wheatley House, 25 Cochran Street, Glasgow, G1 1HL

Respondent

FTT Case Reference FTS/HPC/PF/18/3124

6 December 2019

Decision

The application dated 10 October 2019 for permission to appeal late the decision of the First-tier Tribunal for Scotland dated 6 May 2019 is refused.

Introduction

[1] By Order dated 25 October 2019 I gave the respondents the opportunity to respond to the fact that the applicant had presented his application late. I ordained them to lodge their response to the application restricted to the issue of the late presentation of the application no later than fourteen (14) days from the date of service of that Order on them and to intimate a copy of their response to the applicant. I also gave the applicant a further fourteen (14) days thereafter within which to lodge any reply he wished to make to that response, his reply being restricted to the fact of late presentation of his application.

[2] In paragraph [5] of my Order I stated how I would deal with the response of both parties to it. Amongst other options I stated that if the respondents lodged a response and the applicant did not lodge any reply within the time I gave him I would decide his application on the contents of the Form UTS-1 and the response from the respondents.

[3] The respondents complied timeously to being ordained to lodge a response. The applicant has not lodged any reply within the further time given to him for that purpose. Any such reply was due to be lodged by 22 November 2019.

[4] Accordingly I determine his application in the way that I said I would.

Ground of appeal

[5] The applicant has stated in Part 6 of his Form UTS-1 that he was “unable to get a person or organisation that could have helped me in drafting a request for a permission to appeal to the Upper Tribunal.”

Discussion

[6] The applicant has failed to persuade me that in part 6 of his Form UTS-1 he has provided the required detailed reasons for the lateness in applying.

[7] In respect of the first feature that the applicant should state, namely, explain why the appeal was not made in time, although he founds upon an inability to secure assistance in drafting his request for permission to appeal, what he does state does not support or explain in any detail at all the extent to which the application is late. It is over four months late. He also founds upon an inability to secure representation. The same observation applies to this aspect of his application.

[8] Turning to the second feature, why it is said to be in the interests of justice to extend the time for making his application, the applicant states that “the Tribunal Judge breached the rules of natural justice as each party to the appeal must be given a fair chance to put their case”. He gives no further specification in the Form of where and how he considers the First-tier tribunal did not give him that fair chance. It is difficult to find support for his contention in the decision appealed against. The decision indicates the contrary, that he was given ample opportunity to present his case before the tribunal.

Conclusion

[9] The applicant has not satisfied me that he has complied with the requirements set out in part 6 of the Form which are in turn taken from rule 3(5) of The Upper Tribunal for Scotland (Rules of Procedure) Regulations 2016. Accordingly I conclude and decide that his request for permission to appeal the decision of the First-tier tribunal for Scotland dated 6 May 2019 must be refused.