

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Regulation 38 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017**

**Reference number: FTS/HPC/RP/23/2895**

**Re: Property at 7 Old Schoolhouse Lane, Houston, PA6 7JB (“the Property”)**

**Title Number: REN37600**

**The Parties:**

**Sheila Hickinbottom, residing at 7 Old Schoolhouse Lane, Houston, PA6 7JB  
 (“The applicant”)**

**Thomas Stewart, residing at Welling Farm, Kilallan Road, Houston, PA 6 7HQ, Ms Lorna Carruth, residing at Heathfield, Horsewood Road, Bridge of Weir, PA11 3AU, and Ms Irene Stewart, residing at Upper Side, Temple, Gorebridge, Midlothian**

**(“the Landlord”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)  
 Nick Allan (Surveyor Member)**

**Decision**

The Applicant’s Application for permission to appeal against the Tribunal’s decision dated 17 September 2024 is refused.

**Reasons for decision**

1. By email dated 21 September 2024 the Applicant seeks permission to appeal the decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) dated 17 September 2024.
2. The grounds of appeal are:

I wish to appeal the Tribunal decision sent to me yesterday 20th September 2024 for the following reasons, Firstly there is absolutely no mention of the 90% rent reduction I had asked for on the last forms. The drone pictures taken and sent

near the beginning of the application was not mentioned. The decking had nails sticking out which was unsafe that was mentioned. The mould in the bedroom above the wardrobe and the crack on the ceiling and the wall beside the window in the other bedroom (both upstairs) Nothing taken into consideration about the ill health of the family, The extra medication and the death of my mother which the house condition did not help & also the vents that were put in that led to nothing. No inside ventilation from those vents, I am now left to seek further legal advice as I am expected to pay rent for the time that I have not been in the property due to its condition.

3. On 17 September 2024 the tribunal certified that the Landlord had complied with the terms of the Repairing Standard Enforcement Order (RSEO) made on 5 April 2024. S.27(2) of the Housing (Scotland) Act 2006 provides that the tribunal can only make a rent relief order when a Landlord fails to comply with an RSEO. In this case the Landlord complied with the requirements of the RSEO. The tribunal could not make a rent relief order.

4. An appeal can only competently be made on a point of law. The Applicant's application for permission to appeal does not identify an error of law.

5. The applicant says that the tribunal failed to take certain matters into account, but a fair reading of the reason for the tribunal's decision discloses that the tribunal correctly focused on the RSEO made on 5 April 2024 and gave clear reasons for finding that the work required has been satisfactorily completed. The application for permission to appeal does not raise any specific challenge to the tribunal's findings in fact nor to the tribunal's reasons for their decision. The Applicant says she wants to appeal but does not specify any relevant grounds of appeal.

6. The application for permission to appeal does not identify an arguable error of law. The application is simply a disagreement with the facts as the tribunal found them to be, and an attempt to relitigate this appeal.

7. The First-tier Tribunal took correct guidance in law and made evidence-based findings of fact before reaching conclusions well within the range of available reasonable conclusions. The grounds of appeal do not identify an arguable error of law. Permission to appeal is refused.

## **Decision**

Permission to appeal is refused in terms of reg38(3) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

## **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the First-tier Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Permission to appeal must be sought by application to the Upper Tribunal within 30 days of the date this decision is sent to the parties.**

Paul Doyle

Signed  
Legal Member

7 October 2024