

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision under Rule 38 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (contained in Schedule Part 1 of the Chamber Procedure Regulations 2017 (SSI No 328), as amended) (“the Procedure Rules”) in relation to a request for permission to appeal under section 46(3)(a) of the Tribunals (Scotland) Act 2014

In connection with

Chamber Ref: FTS/HPC/EV/24/2216

Re: Property at 61 Finnieston Street, Greenock, PA15 2LD (“the Property”)

Parties:

LHP Solutions Ltd, Clyde Offices, 2nd Floor, 48 West George Street, Glasgow, G2 1BP (“the Applicant”)

Ms Stephanie Shaw, 61 Finnieston Street, Greenock, PA15 2LD (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Gordon Laurie (Ordinary Member)

1. DECISION

The Tribunal refuses permission to appeal on all grounds in terms of Rule 38 of the Procedure Rules. The decision of the Tribunal was unanimous.

2. BACKGROUND

- i. On 7 February 2025, the Tribunal made a determination under section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and produced a statement of decision (‘the decision’). On 10 February 2025, the Tribunal issued its statement of decision.

- ii. By email dated 10 February 2025, received by the Tribunal on 10 February 2025, the Respondent applied to the Tribunal for permission to appeal the decision. Section 2 of the Scottish Tribunals (Time Limits) Regulations 2016 provides that the application for permission to appeal must be received within 30 days of the date the decision was sent to the Applicant. The application is timeous.
- iii. Rule 37(2) of the Procedure Rules provides that the written application to the Tribunal for permission to appeal must:
 - (a) identify the decision of the First-tier Tribunal to which it relates;
 - (b) identify the alleged point or points of law on which the person making the application wishes to appeal; and
 - (c) state the result the person making the application is seeking.

The letter identifies the Tribunal decision to which it relates and states that the Applicant is seeking the following result.

"I want to appeal as the tribunal was not fair, and you did not take into account any of the evidence I had submitted."

The letter also sets out two grounds of appeal. In terms of Rule 38 of the Procedure Rules, the Tribunal must determine whether to give permission to appeal on each ground.

3. GROUNDS OF APPEAL AND REASONS FOR DECISION

The grounds of appeal founded upon by the Respondent as follows:-

- i. The Tribunal was not fair.

The Tribunal does not consider there is any merit in this ground. The Tribunal went to considerable lengths at the hearing to ensure that the Respondent was given an opportunity to give evidence and state her case. The Tribunal considered all the documentary and oral evidence before it when reaching its decision.

The ground of appeal raises no point of law. Leave to appeal is refused.

- ii. The Tribunal did not take into account the evidence submitted.

As is clear from the decision the Tribunal took account of all the evidence both oral and documentary that was submitted by both parties. The Tribunal issued Directions after the Case Management Discussion

directing the Respondent to submit a detailed statement of the evidence she intended to submit at the hearing together with an indexed and paginated bundle of documents and photographs that she intended to refer to at the hearing and also a redacted bank statement. Despite being granted an extension of time to submit the required documentation the Respondent failed to comply with the Direction. The Respondent did submit zipped files to the Tribunal administration in advance of the hearing and it was explained to her that these could not be accepted and the Respondent was given advice on how to submit files as word or pdf documents. However, the Respondent did not then resubmit the documents. It is incorrect to say that the Tribunal did not take into account the evidence submitted. The Tribunal carefully considered all the evidence before it.

The ground of appeal raises no point of law. Leave to appeal is refused.

APPEAL PROVISIONS

4. A party aggrieved by the decision of the tribunal may seek permission to appeal to the Upper Tribunal for Scotland on a point of law only. That party must seek permission to appeal within 30 days of the date the decision was sent to them. The request for permission to appeal must be in writing and you may wish to consult the Scottish Courts and Tribunals Service website which includes an application form with information on the details required.

Graham Harding

Graham Harding
Chairing Legal Member of the Tribunal
Dated: 24 February 2025