

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Statement of Decision under Rule 38 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (contained in Schedule 1 of the Chamber Procedure Regulations 2017 (SSI No 328)) (“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 File Reference number: FTS/HPC/EV/19/3142**

**Re: Property at 1, West Roucan Cottage, Torthorwald, Dumfries DG1 3QG (“the property”)**

### **The Parties:**

**Mr John Cunningham Jardine, Tinwald Estate, Tinwald, Dumfries DG1 3OW per Miss Katie Austin, GM Thomson & Co, 35 Buccleuch Street, Dumfries DG1 2AB (“the applicant”)**

**Gary Taylor and Miss Laura Scott, residing together at 1, West Roucan Cottage, aforesaid (“the respondents”)**

**Tribunal member: David M Preston (chairing legal member).**

### **DECISION**

**The Tribunal refuses to give permission to appeal in terms of Rule 38 of the Procedure Rules.**

### **BACKGROUND**

1. By letter dated 31 October 2019 the applicant sought permission to appeal the Decision of the Tribunal to reject the application received by the Tribunal on 3 October 2019.

2. The applicant sought to appeal on the basis that there had been an administrative mistake by the applicant's agents. They stated that the application had been accompanied by a draft version of the Notice to Leave which had been incorrectly dated. A fresh copy of the Notice to Leave bearing the date 27 August 2019 was produced along with a Sheriff Officer's report dated 9 September 2019 and an Execution of Service of Notice to Leave dated 27 August 2019.

**Reasons:**

3. In terms of Rule 37 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, as amended an application to the Tribunal for permission to appeal must identify the alleged point of law on which the person making the application wishes to appeal.
4. The letter dated 31 October 2019 fails to identify any point of law on which the applicant wishes to appeal, and the tribunal therefore refuses to grant the application for permission to appeal.

**APPEAL PROVISIONS**

**A landlord 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.**

**A decision of the First-tier Tribunal relating to a permission to appeal request cannot be appealed or reviewed.**

D Preston

Chairman

7 November 2019