

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

Chamber Ref: FTS/HPC/CV/23/1540

Re: Property at 185B St Michaels Street, Dumfries, DG1 2PP (“the Property”)

Parties:

The Executors of the late Dilbagh Singh Athwal, namely Dr Nicholas Satbinder Singh Athwal and Miss Rita Jotinder Kaur Athwal, all Starvilla, 4 Annan Road, Dumfries DG1 3AD and Mr Steven Rabinder Singh Athwal, 22 Ganton Close, Nottingham, NG3 3ET (“the Applicants”)

Miss Tara Price, 185B St Michaels Street, Dumfries, DG1 2PP (“the Respondent”)

**Tribunal Member:
George Clark (Legal Member)**

DECISION

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

BACKGROUND

1. On 9 October 2023, the Tribunal made a determination under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and produced a Statement of Decision (‘the Decision’). On 10 October 2023, the Tribunal issued the Decision.
2. By email dated 10 October 2023, the Respondent applied to the Tribunal for permission to appeal the Decision. The Respondent stated that she had vacated the Property and had moved into a new rental property with effect from 25 September 2023 and that she had misplaced the Tribunal

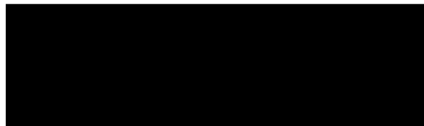
documentation. She did not, however, indicate that she was disputing the fact that the arrears of rent sought in the application were due to the Applicant or that she had any other substantive defence to offer.

3. 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. (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.

4. The email identifies the Tribunal Decision to which it relates and states that the Respondent is seeking to appeal it, but it does not identify the alleged point or points of law on which the Respondent wishes to appeal, and it does not state the result the Applicant is seeking. Leave to Appeal is, therefore, refused.

APPEAL PROVISIONS

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.



Legal Member of the Tribunal
Dated: