



DECISION BY SHERIFF ANTHONY DEUTSCH ON AN APPEAL

in the case of

MR COLIN STRAIN

Appellant

and

FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)

Respondent

**FTT Case Reference HOHP/PF/14/0076**

**Decision**

The Upper Tribunal refuses leave to appeal.

**Note**

[1] I do not consider that the applicants have advanced a reasonable excuse for not adhering to the 30 day time limit for seeking leave to appeal. The enquiries which they made of the Tribunal in November 2017 were concerned with the tribunal's obligations under section 23 (2) of the 2011 Act; they did not relate to the terms of the decision of 23 November 2017. It cannot be said that there was an error in law in the manner in which the Tribunal exercised its discretion to refuse to extend the time limit.

[2] The decision of 20 November 2017 is essentially a decision as to fact not law and as such it is not appealable. What the applicants are truly seeking to challenge are the notices given to the Scottish Ministers. Those are not subject to appeal to the Upper Tribunal.

*A party to this case who is aggrieved by this decision may seek permission to appeal to the Court of Session on a point of law only. A party who wishes to appeal must seek permission to do so from the Upper Tribunal within **30 days** of the date on which this decision was sent to him or her. Any such request for permission must be in writing and must (a) identify the decision of the Upper Tribunal to which it relates, (b) identify the alleged error or errors of law in the decision and (c) state in terms of section 50(4) of the Tribunals (Scotland) Act 2014 what important point of principle or practice would be raised or what other compelling reason there is for allowing a further appeal to proceed.*