



DECISION OF SHERIFF ANTHONY DEUTSCH
ON AN APPLICATION TO APPEAL

in the case of

APEX PROPERTY FACTOR LTD, 46 Eastside, Kirkintilloch, G66 1QH

Appellant

and

DOREEN WATT, 9 Doune Crescent, Bishopbriggs, G64 3JG

Respondent

FTT Case Reference: FTS/HPC/PF/17/0141

12 September 2018

Decision

[1] The Upper Tribunal refuses the application for permission to appeal to the Court of Session on the grounds that it would be incompetent to do so by virtue of section 55(2)(b) of the Tribunals Scotland Act 2014.

Note

[2] A decision of the Upper Tribunal to refuse permission to appeal a decision of the First-tier Tribunal to the Upper Tribunal cannot be the subject of review or appeal.

[3] I would in any event have refused leave as no arguable point of law arises. The

application does not identify the alleged error or errors of law in the decision of the tribunal. The objection seems to be that the tribunal preferred the evidence of the homeowner.

[4] There was no defect in either the decision of 22 June 2018 or that of 1 August 2018 in respect of the requirements of rule 33 (1) (3) (b) of the Upper Tribunal for Scotland (Rules of Procedure) Regulations 2016. That provision was not applicable for the reasons stated in the first sentence of this note. If the applicant was dissatisfied with the Upper Tribunal decision then it could have taken advantage of rule 3(7). It has not done so.