



DECISION ON AN APPLICATION TO APPEAL BY SHERIFF NIGEL ROSS

in the case of

AYLMER MILLEN, 5 Hillpark Grove Edinburgh EH4 7AP

Appellant

and

CHARLES WHITE LIMITED, Citypoint, 65 Haymarket Terrace,
Edinburgh EH12 5HD

Respondent

FTT Case Reference FTS/HPC/LM/18/0954

[1] The decision dated 10 July 2018 rejected the appellant's application on the grounds that it was identical or substantially similar to the application submitted by him and determined under Chamber Reference FTS/HPC/LM/17/0037.

[2] It is not competent to raise the same matter again in further applications. The appellant does not claim that the present matter is not identical or substantially similar to that earlier application. The appellant has not submitted any material to justify any challenge to that decision. It is therefore not possible to identify any error on the part of the First-tier Tribunal. There is therefore nothing in the decision of 10 July 2018 which would justify an appeal.

[3] The present appeal raises a new issue, namely that the First-tier Tribunal has no jurisdiction, as set out in part 7 of the application, “in the determination of issues having a bearing upon and prejudicial to communal property Title”. The issue of jurisdiction is one which required to be taken at the outset of the previous Tribunal proceedings. That was not done. The Tribunal issued a final decision in the previous application. It is not competent to challenge that decision by raising subsequent proceedings. The Tribunal had jurisdiction to make the determination of 10 July 2018. Any consequential effect of any Tribunal judgement is irrelevant in establishing what disputes are within the jurisdiction of the Tribunal. No arguable point of law arises.

[4] Accordingly permission to appeal is refused under section 46(3)(b) of the 2014 Act. There are no arguable grounds of appeal.