



[2019] UT 23
UTS/AP/18/0021

DECISION OF SHERIFF ANTHONY DEUTSCH
ON AN APPLICATION TO APPEAL

MRS ALLISON TAIT

Appellant

And

LIFE PROPERTY MANAGEMENT, Regent Court, 70 West Regent Court, Glasgow G2 2QZ,
FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER), 4th
Floor, 1 Atlantic Quay, Glasgow, G2 8JB

Respondent(s)

FTT Case Reference: FTS/HPC/PF/18/0199

14 September 2019

Decision: the upper tribunal refuses the application for permission to appeal.

Note

[1] Section 46 (2) of the Tribunals (Scotland) Act 2014 provides that an appeal to the upper tribunal may be made on a point of law only. The Inner House of the Court of Session in *Advocate General for Scotland v Murray Group Holdings Ltd* 2016 SC 201 identified four different categories of case as being covered by the concept of an appeal upon a point of law: i) an error of general law: the content of its rules; ii) an error in the application of the law to the facts; iii) making findings without support in the evidence; and iv) taking a wrong

approach to the case by for example asking the wrong question, or taking account of manifestly irrelevant considerations, or by arriving at a decision that no reasonable tribunal could properly reach.

[2] The applicant seeks to place herself within the third and fourth categories. The decision of the first tier tribunal was one involving elements of evaluation and judgement. In the *Murray Group Holdings* the court expressed the opinion that in such circumstances the upper tribunal should be slow to interfere with the decision of the tribunal particularly in the context of a specialist tribunal created by Parliament. In essence the applicant simply invites the upper tribunal to take a different view of the evidence which was before it. It is not possible to show an error of law by pointing to the possibility of a different decision. A complaint is made that the tribunal do not mention that they had taken account of the written statements and materials supplied by the home owner and factor. I consider that to be contradicted by the third paragraph of the introduction to the decision.

[3] I do not consider that the applicant has identified any error or errors of law in the decision and have accordingly refused permission to appeal.