



DECISION BY SHERIFF ANTHONY DEUTSCH ON AN APPEAL

in the case of

APEX PROPERTY FACTOR LTD

Appellant

and

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

Respondent

FTT Case Reference FTS/HPC/PF/17/0285

Decision

The Upper Tribunal refuses leave to appeal.

Note

[1] The point of law upon which leave to appeal is sought is that the standard of proof which the first tier tribunal should have applied was proof beyond reasonable doubt. That proposition is not arguable. The standard of proof in civil causes is upon a balance of probabilities (*Hendry v Clan Line Steamers Limited* 1949 SC 320.)

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.*