



DECISION OF SHERIFF PINO DI EMIDIO

ON AN APPLICATION FOR PERMISSION TO APPEAL
(DECISION OF FIRST-TIER TRIBUNAL FOR SCOTLAND)
IN THE CASE OF

MR CLIVE MANSFIELD, MRS HILDA MANSFIELD,
Kingston, Pitmillan, Newburgh, Aberdeenshire, AB41 6AL

Appellants

- and -

MR EDWIN THOMSON,
Newton of Ardo, Whitecairns, Balmedie, Aberdeenshire, AB23 8XH

Respondent

FTT Case Reference FTS/HPC/CV/18/2636

14 November 2019

Decision

The Upper Tribunal for Scotland, having re-considered the appellants' application for permission to appeal Refuses the appellants permission to appeal the decision of the First Tier Tribunal Housing and Property Chamber dated 5 May 2019 on the proposed grounds set out in their Form UTS-1 dated 22 July 2019.

Reasons for decision

[1] In this case the appellants have asked for re-consideration at a hearing of the decision made by my colleague Sheriff Christopher Dickson without a hearing and dated 7 August 2019 to refuse them permission to appeal. This request was made under Rule 3(7) of the Upper Tribunal for Scotland (Rules of Procedure) Regulations 2016 (No. 2016/232). Under Rule 3(8) such an application required to be dealt with by a member of the Upper Tribunal different from the member who refused permission without a hearing

[2] After considerable difficulty a hearing under rule 3(7) was fixed for Monday 11 November 2019 at Perth Sheriff Court and due notice of this hearing was given to the parties. The appellants did not attend the hearing and did not submit any other representations.

[3] I have considered carefully the decision of my colleague. It is not necessary for me to repeat what he said in his written decision. So far as I can ascertain he has asked himself the right questions and addressed the relevant statutory test. There is no basis on which I should disturb his decision to refuse permission to appeal. No arguable point of law of the kind described in that decision has been identified by the appellants. Permission to appeal is refused.