



DECISION NOTICE OF SHERIFF NIGEL ROSS

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

in the case of

MR JAKUB ZAHOROWICZ, MS MAGDALENA MIKICIUK, 158 Wedderburn Street,
Dunfermline, KY11 4SB

Appellant

and

MISS JOANNA PAWLOWSKA, MR PIOTR MICHALOWSKI, 121 Lady Campbells Court,
Dunfermline, KY12 0LE; 121 Lady Campbells Court, Dunfermline, KY12 0LE

Respondent

FTT Case Reference FTS/HPC/CV/18/2921

19 February 2020

Decision

The Tribunal, having heard the parties in person on their application for leave to appeal the decision of the First-tier Tribunal dated 6 March 2019, refuses same.

Note

[1] The appellants have been refused leave to appeal by the First-tier Tribunal and, by decision dated 12 December 2019, by this tribunal. They requested the present

reconsideration hearing, as is their entitlement in terms of rule 3(7) of The Upper Tribunal for Scotland (Rules of Procedure) Regulations 2016.

[2] The hearing was held on 17 February 2020. The parties explained that they disagreed with the original findings of the FtT, and sought to make further explanations of fact. It became clear that they did not identify any error of law which would justify an appeal. After explanation, they understood that an appeal could not be successful on the grounds that they put forward, for the reasons already explained in the written decision dated 12 December 2019.

[3] The application to appeal was therefore refused. It may be desirable to review the function of rule 3(7), as the hearing amounted to no more than a further discussion of the explanation already set out in the original decision to refuse leave.