



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 30 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/PR/19/3736

Re: Property at Flat 1/L, 15 Stafford Street, Aberdeen, AB25 3UP (“the Property”)

Parties:

Mr Ibrahim Mohammadi, 70 Great Northern Road, Flat G / R, Aberdeen, AB24 3PT (“the Applicant”)

Mr Clarke Shepherd, Flat 3, 69 Alderney Street, Pimlico, London, SW1V 4HH (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

Background

On 20 January 2020 the Tribunal granted an Application for a Payment Order against the Respondent. The Respondent was not in attendance at the Case Management Discussion at which the decision was made.

On 15 March 2021 the Respondent lodged an Application for Recall of that decision in respect of Rule 30. The Application made representations as to why the Tribunal should exercise the discretion afforded to it in terms of Rule 30 (5) to consider the Application notwithstanding that it was not submitted within 14 days of the decision as per Rule 30

(4). The Tribunal was satisfied that it was reasonable to consider the Application notwithstanding it was not submitted within 14 days.

The Case Management Discussion

The Application was assigned to call at a Case Management Discussion as per Rule 30 (9) (c) at 10 am on 29 April 2021. The Applicant was personally present on the conference call and the Respondent was represented by Mr Taylor, Solicitor of Burnett & Reid LLP.

The Applicant confirmed that he was happy to have the decision recalled and had sorted matters out with the Respondent.

The Decision.

Having considered the Application and having noted that it was a joint position that the decision should be recalled, the Tribunal decided to grant the Application and recall the decision as per Rule 30 (9) (a).

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Andrew McLaughlin

Legal Member/Chair

29TH April 2021

Date