

Housing and Property Chamber
First-tier Tribunal for Scotland



STATEMENT OF DECISION: Tribunals (Scotland) Act 2006, Section 46

Chamber Ref: FTS/HPC/CV/21/3229

Re: Property at 5 Bells Mills - Flat 10, West end, Edinburgh, EH4 3DG ("the Property")

Parties:

Orient Dragon Limited, 13 The Stables, Pottersheath Road, Welwyn, Hertfordshire, AL6 9GR ("the Applicant")

Ms Lee-Ann Falconer, Unknown ("the Respondent")

Tribunal Member:

Gillian Buchanan (Legal Member)

Decision

The tribunal having considered the Applicant's application for review of the Decision of the tribunal dated 25 April 2022 all in terms of section 43(2)(b) of the Tribunals (Scotland) Act 2014 and paragraph 39 of the Schedule to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 grants the application and in terms thereof amends the Decision and the resultant Order in favour of the Applicant so that the Applicant's name is stated to be "Dragon Orient Limited".

Background

1. Reference is made to the determination of the tribunal dated 25 April 2022 which determined that an order should be granted in favour of the Applicant for payment by the Respondent of rent arrears of £14,450 with interest on that amount at 5% per annum from the date of this decision, 25 April 2022, until payment and with a time to pay direction being made in a sum of £1000 per month. The tribunal therefore made an order against the Respondent to that effect.

Applicant's Application for Review

2. The Applicant's Representative, Adam Gardiner of Lindsays, Solicitors, Edinburgh, in his email dated 26 April 2022 states:-

"I refer to the above application and the case management discussion which took place yesterday. I attach for reference the Tribunal's note of the decision.

At the CMD I moved the Tribunal to amend the applicant's name from Dragon Orient Limited to "Orient Dragon Limited". This was on the basis of information provided to me that this was the correct designation of the applicant. However, following the CMD it has been confirmed that the original designation was in fact correct. The applicant's name was correctly stated on the Form F and on the tenancy agreement to which this application relates. The confusion was the fault of Lindsays and not the applicant.

For the avoidance of any doubt, I confirm the applicant's designation is as follows:

Dragon Orient Limited (Registered in China, company number 2502187). Their address for the purposes of their operations in the UK is 13 The Stables, Pottersheath Road, Welwyn, Hertfordshire, AL6 9GR.

I would be grateful if this email could please be passed to the Legal Member and the applicant's designation be again amended per the above and an order granted in those terms.

I apologise for the inconvenience caused to the Tribunal."

3. The tribunal has therefore treated the Applicant's Representative's email as an application for review under paragraph 39 of the Schedule to The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Schedule").
4. In terms of paragraph 39(1) of the Schedule a tribunal may, at the request of a party, review a decision where it is necessary in the interests of justice to do so. In terms of paragraph 39(2) of the Schedule an application for review under section 43(2)(b) of the 2014 Act must be made in writing and must set out why a review of the decision is necessary.
5. The Respondent has not responded to the application for review. Neither party has requested a hearing on the application. The tribunal has therefore reviewed the Decision dated 25 April 2022 without a hearing in terms of paragraph 39(5) of the Schedule.

Decision and Statement of Reasons on Application for Review

6. The tribunal has carefully considered the Applicant's application for review. Within the case papers received by the tribunal there is a copy of the title sheet for the Property which bears the name "Dragon Orient Limited". The tribunal had no reason to doubt that the Applicant's Representative's submission at the hearing on 25 April 2022 to the effect that the Property is held in the name "Orient Dragon Limited" was incorrect and the Applicant's Representative's request to amend the application into that name was therefore granted. It would seem that the Applicant's Representative's submission was in error for whatever.
7. The name of the Applicant as currently stated is wrong. It is in the interests of justice that the name of the Applicant be corrected.
8. On that basis the Applicant's application for review of the tribunal's Decision of 25 April 2022 is granted and the tribunal amends the Decision and the Order in favour of the Applicant so that the Applicant's name is stated to be "Dragon Orient Limited".

Right of Appeal

- 9. A landlord, tenant or third party applicant aggrieved by the decision of the paragraph Tribunal may seek permission to appeal from the Upper Tribunal on a point of law only within 30 days of the date the decision was sent to them.**

G. Buchanan

Signed

Date 13 June 2022

Legal Member