



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

**Chamber Ref: FTS/HPC/CV/21/0219**

**Re: Property at 52 Park Holme Court, Hamilton, ML3 0FB (“the Property”)**

**Parties:**

**Mr David Mo, 61 Sandhead Terrace, Blantyre, Glasgow, G72 0JH (“the Applicant”)**

**Mr Alan Cranston, 52 Park Holme Court, Hamilton, ML3 0FB (“the Respondent”)**

**Tribunal Members:**

**Alastair Houston (Legal Member) and Leslie Forrest (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application by the Respondent to recall the Tribunal’s decision of 14 April 2021 should be refused.**

**1. Background**

- 1.1 By way of email dated 19 April 2021, the Respondent had submitted an application to recall the decision of the Tribunal of 14 April 2021 to grant a payment order in favour of the Applicant in his absence. The application was opposed by the Applicant.
- 1.2 Under Rule 30(9)(c), the Tribunal had fixed a case management discussion to consider whether the decision should be recalled. This decision should be read in conjunction with that issued in respect of application FTS/HPC/EV/21/0220, being an application for an eviction order, which was also the subject of an application to recall the decision of 14 April 2021 making an eviction order in favour of the Applicant.

## **2. The Case Management Discussion**

2.1 The case management discussion took place on 30 June 2021 by way of teleconference. The Applicant was represented by Mr Coyle, solicitor. The Respondent was personally present.

2.2 The submissions made by either party are detailed in the written decision with reasons issued in connection with the application FTS/HPC/EV/21/0220. Accordingly, parties are referred to that document.

## **3. Reasons For Decision**

3.1 The Tribunal noted that the Respondent did not dispute the arrears that had accrued and in respect of which payment was sought. In the absence on any intention by the Respondent to defend the action for payment, the Tribunal considered that the previous decision should be adhered to.

### **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.**

Alastair Houston

30 June 2021

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Legal Member/Chair

\_\_\_\_\_  
Date