

**JAMAICA**

**IN THE COURT OF APPEAL**

**BEFORE: THE HON MRS JUSTICE MCDONALD-BISHOP JA  
THE HON MRS JUSTICE DUNBAR-GREEN JA  
THE HON MR JUSTICE BROWN JA**

**APPLICATION NO COA2024APP00103**

**BETWEEN ERROL REID APPLICANT  
AND ERROL CARGILL RESPONDENT**

**Ms Sarah-Elizabeth Dixon instructed by Cardinal Law for the applicant**

**Errol Cargill in person**

**3 June 2024**

**Endorsement read by McDonald-Bishop JA**

[1] Before the court is an application for an extension of time to appeal and a stay of execution of the orders of Her Honour Mrs M Dennis-McPherson ('the Parish Court Judge') made in the Portland Parish Court on 14 March 2024 by which the Parish Court Judge ordered the applicant to quit and deliver up possession of rental premises located in Grange Hill in the parish of Portland, and granted costs to the respondent.

[2] Having heard and considered submissions from counsel for the applicant, Ms Dixon, and the representations advanced by the respondent, Mr Cargill, the court is minded to grant the application for an extension of time and refuse the application for a stay of execution, for the following reasons:

- (i) The Parish Court Judge failed to provide reasons in writing for making her orders as is required by section 25(2)(c) of the Rent Restriction Act. Therefore, the court has no reasons for the orders made by the Parish Court Judge to guide its assessment of the proposed appeal.

- (ii) The length of the delay in filing the application for extension of time is not inordinate.
- (iii) There is at least one arguable ground of appeal, with a real chance of success, relating to the length of the notice period given to the applicant to vacate the premises.
- (iv) On the issue of prejudice, we find that the respondent can be adequately compensated by an order for costs if the appeal does not succeed.
- (v) The interests of justice, generally, and the overriding objective of the Court of Appeal Rules, 2002, in particular, favour the grant of an extension of time to appeal.
- (vi) Having regard to section 251 of the Judicature (Parish Court) Act, this court has no jurisdiction to grant a stay of execution of the Parish Court Judge's orders in the absence of an appeal.

[3] We, therefore, make the following orders:

1. The applicant, Mr Errol Reid, is granted an extension of time to 11 June 2024 to appeal the order of Her Honour Mrs M Dennis McPherson made in the Portland Parish Court on 14 March 2024 in plaint no PL2024CV00004 Errol Cargill v Errol Reid.
2. The application for a stay of execution is refused for want of jurisdiction.
3. Costs of the application to the respondent, Mr Errol Cargill, in the sum of \$10,000.00 to be paid by 11 June 2024.