

From: [REDACTED]

Email: [ibrahim@islamicfinanceguru.com](mailto:ibrahim@islamicfinanceguru.com)

Mobile: [REDACTED]

ParkingEye Ltd.  
PO Box 117  
Blyth, NE24 9EJ

29 May 2020

Dear Sir/Madam

I write further to your correspondence of 21 May 2020 entitled "Letter Before County Claim" and in respect of a Parking Charge Notice 494384/263677 (the "PCN") issued in relation to a vehicle with the registration plate [REDACTED] (the "Vehicle").

I am not the registered owner of this vehicle but I was driving it at the time. My details are above. Kindly direct all further correspondence in relation to this matter to me at my above address.

#### **Background & Executive Summary**

1. I parked the Vehicle at the Marriott Hotel Waltham Abbey on 11 December 2019 and paid the relevant sums for such parking (see Appendix 1).
2. I incorrectly used previously-saved car registration details for a car that I own myself and regularly drive. I was only using the Vehicle as one-off event.
3. You issued a PCN thereafter. In response to this PCN I confirmed points (1) and (2) above and provided the details contained at Appendix 1.
4. Subsequently in further correspondence you have taken the position that (1) and (2) are not valid responses to your PCN and have continued pursuing me for its payment.
5. I maintain my position that ParkingEye has no basis for seeking a payment of the PCN. The breach, if any, of contract, was of a technical nature and the overriding objective by which the courts are bound by points to such breach not being given weight – particularly in cases where the claimant does not suffer any loss.
6. ParkingEye has suffered no loss arising from my parking in the car park as I have fully paid the relevant sums for the amount of time I parked.
7. If further action is required by me to continue responding to this frivolous and baseless claim, I will be counterclaiming, inter alia, the following:
  - a. Solicitors costs (current time expended: £1000) – I am a solicitor myself and my charge-out rate is £500. Dealing with this claim has already taken 2 hours and this will likely increase.
  - b. Any relevant court fees I am required to pay.
8. If I am inconvenienced further by ParkingEye taking this matter to court I will:
  - a. vigorously defend the claim and seek to set a fresh precedent along the lines of *Parking Eye Limited v Heggie (2013)* rather than any face-saving settlement on the day of the hearing; and
  - b. [REDACTED]



### **Specific Responses**

9. I did not make an appeal to POPLA as I was awaiting the final reference from you that ParkingEye stated it would automatically send out. Otherwise I would have made an appeal to POPLA.
10. It is deeply disappointing that ParkingEye is attempting to mislead and threaten people without legal training by referring to a Supreme Court judgment that is not relevant for the matter at hand. That judgment is in respect of the PCN being of a “reasonable amount”. It is not in respect of whether there has been any loss suffered by ParkingEye due to the mis-entry of a registration plate. The latter issue was dealt with in Parking Eye Limited v Heggie, which ruled in favour of Heggie, and that is the relevant authority in this instance.
11. Under the latest guidance from the British Parking Association (BPA), it advises that car park operators such as ParkingEye should still require people to make an appeal to them, but that such operators should then deal with the issue at first appeal, i.e. by understanding that this was a technical fault, payment has been made, and to desist from issuing further request for payment.

Yours Faithfully,

Muhammed Ibrahim Khan

## **Appendix A**

**Fwd: PayByPhone Parking Receipt**

Fri 29/05/2020 09:23

To: Ibrahim Khan &lt;ibrahim@islamicfinanceguru.com&gt;

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**From:** support@paybyphone.co.uk <support@paybyphone.co.uk>**Sent:** Wednesday, December 11, 2019 7:55:33 AM**To:** A solid black rectangular redaction box covering the recipient's name and email address.**Subject:** PayByPhone Parking Receipt

PayByPhone Parking Receipt

Transaction ID: 549468901

Location: 8625

License: PF59DYY

Description: MARRIOTT WALTHAM ABBEY

Start Parking: 2019/12/11 7:55AM

Stop Parking: 2019/12/11 11:55AM

Cost: £2.20 including 20% VAT and Service Charge

VAT 851 4755 16

You can access a full list of all your parking transactions and update your profile at [www.paybyphone.co.uk](http://www.paybyphone.co.uk).

Thank you for using the PayByPhone parking service.

New! Pay online - [m.paybyphone.co.uk](http://m.paybyphone.co.uk)

Happy with PayByPhone? Do you have any suggestions for us?

Let us know how we're doing - complete our online survey at

[www.paybyphone.co.uk/how-are-we-doing](http://www.paybyphone.co.uk/how-are-we-doing)