



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : **CAM/38UC/HMF/2018/0004**

Property : **43 Bullingdon Road, Oxford OX4
1QJ**

Applicant : **Miss Anne Katrine Harris and Mr
Andrew Goodsell**

Respondent : **Mr Michael Anthony Ferguson**

Type of application : **Application for a rent repayment
order by tenant Sections 40, 41, 43, &
44 of the Housing and Planning Act 2016**

Tribunal members : **Tribunal Judge Dutton
Mr D Barnden MRICS
Mr A Kapur**

Date of decision : **3rd April 2019**

DECISION

DECISION OF THE TRIBUNAL

1. The tribunal has considered the respondent's request for permission to appeal dated 29th April 2019 and determines that:
 - (a) it will not review its decision; and
 - (b) permission be refused.
2. In accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the respondent may make further application for permission to appeal to the Upper Tribunal (Lands Chamber). Such application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.
3. The Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710); or by email: lands@hmcts.gsi.gov.uk .

REASON FOR THE DECISION

4. The reason for the decision is that the tribunal had considered and taken into account all of the points now raised by the respondent, when reaching its original decision.
5. The original tribunal's decision was based on the evidence before it and the respondent has raised no legal arguments in support of the application for permission to appeal.
6. For the benefit of the parties and of the Upper Tribunal (Lands Chamber) (assuming that further application for permission to appeal is made), the tribunal has set out its comments on the specific points raised by the respondent in the application for permission to appeal, in the appendix attached.

Name: Tribunal Judge Dutton **Date:** 7th May 2019

APPENDIX TO THE DECISION
REFUSING PERMISSION TO APPEAL

For the benefit of the parties and of the Upper Tribunal (Lands Chamber), the tribunal records below its comments on the grounds of appeal, adopting the paragraph numbering of the original application for permission. References in square brackets are to those paragraphs in the main body of the original tribunal decision.

Specific comments on the grounds of appeal

Grounds 2/3 appear to refer to examples, which are not included .
The Respondent has misunderstood the provisions of s40(3) of the 2016 Act and s72(1) of the 2004 Act. The legislation is clearly aimed at individuals.
The remainder of the application to appeal relates to contractual matters between the parties. Our findings set out the basis upon which our decision was reached and the application for leave to appeal contains no grounds upon which leave will be granted by us.



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