



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

Case reference : **CAM/00MC/LIS/2018/0033**

Property : **Bear Wharf, Fobney Street,
Reading RG1 1DX**

Applicants : **Paul Stanger and Nicole Otigbah**

Respondent : **Holybrook House Management
Company Limited**

Type of application : **Permission to appeal**

Tribunal members : **Tribunal Judge Dutton
Mrs S Redmond BSc Econ MRICS
Tribunal Judge Evans**

**Date of original
decision** : **5th June 2019**

DECISION

DECISION OF THE TRIBUNAL

1. The tribunal has considered the applicants' request for permission to appeal dated 3rd July 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 applicants 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 applicants, when reaching its original decision.
5. The original tribunal's decision was based on the evidence before it and the applicants have 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 applicants in the application for permission to appeal, in the appendix attached.

Name: Tribunal Judge Dutton **Date:** 9th July 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

There are two matters which the applicants' seek to appeal. One relates to the percentage attributed to the historic car park charges and the other to the reserve funds monies.

Percentage.

We explained the difficulties we had at paragraphs 27 and 28 of the decision. We had limited details and made the findings on that which was before us. It relates to the past and is not a percentage which is intended to apply going forward.

As to the reserve funds we expressed our concerns in paragraphs 29 to 31. It may be that the applicants will need to consider other litigation to establish the extent of the reserve fund and what has happened to same. We had no information available to us.