



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

Case Reference	:	CAM/38UB/HMB/2019/0001
Property	:	2 Trinity Close, Bicester, Oxfordshire OX26 4TN
Applicant	:	Peter Karanja Njogu
Representative	:	David North, Env. Health Officer (Cherwell District Council)
Respondent	:	Ali Murat Terzi [in person]
Type of Application	:	application by a tenant for a rent repayment order where there has been a conviction of the landlord [HPA 2016, ss.41 & 43]
Tribunal Members	:	G K Sinclair, S Redmond BSc MRICS & A K Kapur
Date and venue of Hearing	:	Monday 20 th May 2019 at The Littlebury Hotel, Bicester
Date of substantive decision	:	24 th May 2019
Date of this decision	:	15 th July 2019

DECISION REFUSING PERMISSION TO APPEAL

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Decision of the tribunal

1. On 24th May 2019 the tribunal issued its decision following its determination of this application at a hearing held on 20th May 2019. On 24th June 2019 the tribunal received by email only an application by the respondent landlord for permission to appeal, as set out in a letter dated 22nd June. Mr Terzi stated, as his grounds for appealing :

Despite all of my pleas and even a last attempt of my letter dated 21 May 2019, I have yet again been punished for something I do not and will never accept as fair!

I have been a proud and faire landlord since 2001 and now after 18 years of serving the community as a good / honest and fair landlord, am labelled as the landlord of non-compliance. I reject this with all of my heart!
(sic)

2. He also sought to rely upon fresh allegations that the tenant had run away from various mobile phone contracts and that he had done the same with a previous landlord (who had also changed the locks to exclude him). In order to confirm the latter “with 100% certainty” Mr Terzi proposed to engage the services of a private investigator.
3. He concluded :
I am not entirely sure about the procedures of the Tribunal accepting this as my decision to appeal whether it is to Tribunal or the Upper Tribunal (Lands Chamber) I look forward to your guidance about the merits of the above and my intent of pursuance this matter further.
4. The tribunal shall treat the respondent landlord’s letter as an application for permission to appeal, received just within time.
5. The tribunal has considered the application by the respondent for permission to appeal and determines that :
 - a. it will not review its decision; and
 - b. permission be refused.
6. 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 proposed appellants 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.

Reasons for this decision

7. The tribunal’s decision was based on the evidence and submissions put before it in writing and (by Mr Terzi) at the hearing. This evidence, crucially, included the fact that Mr Terzi had been charged with and had pleaded guilty to the relevant offence under the Prevention from Eviction Act 1977. This severely limited the scope of the discretion available to the tribunal.
8. By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (as amended) the tribunal must give, in respect of any decision finally disposing of a matter, a decision notice stating the tribunal’s decision and written reasons for that decision. By rule 52(5) an application for permission to appeal must identify the decision of the tribunal to which it relates, state the grounds for appeal, and state the result the party making the application is seeking.

9. What information a party chooses to put before a tribunal (subject to any specific directions to the contrary) is a matter for it, and the tribunal can only determine applications on the basis of the evidence before it, supplemented as appropriate with its own knowledge and experience. A party should therefore take care in the material that it chooses to adduce in evidence. It does not get a second chance after the decision has already been made.
10. The tribunal is therefore satisfied that, in accordance with the criteria adopted by the Upper Tribunal, there are no reasonable grounds for arguing :
 - a. That the tribunal wrongly interpreted or applied the relevant law
 - b. That it took account of irrelevant considerations, or failed to take account of a relevant consideration or evidence, or
 - c. That there was a substantial procedural defect.

Dated 15th July 2019

Graham Sinclair

Graham K Sinclair
Tribunal Judge