



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

Case reference : **CAM/11UB//2019/0001**

Property : **32A Belgrave Road Aylesbury
Bucks HP19 9HN**

Applicant : **Mrs Chris Gaskin (Tenant)**

Representative : **None**

Respondent : **Fairfield Rents Ltd. (Landlord)**

Representative : **Urbanpoint Property Management
Ltd. (Managing Agent)**

Type of application : **Application for permission to
appeal by original Respondent**

Tribunal members : **Mr N. Martindale BSc MSc FRICS**

Venue : **7 October 2019
HMCTS Cambridge County Court
197 East Road Cambridge CB1 1BA**

Date of decision : **7 October 2019**

DECISION

DECISION

1. The Tribunal has considered the Respondent's request for permission to appeal dated 23 September 2019 and determines that:
 - (a) it will review its decision; but that
 - (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 applicant / 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

4. The Directions dated 23 May 2019 set the hearing date to be on or after 14 August 2019. They required the parties to agree a single bundle that the applicant would prepare; or that if not agreed each party send their own. They required that the bundle or bundles be received by the Tribunal on or before 31 July 2019. The parties did not agree a single bundle. Each sent their own. The applicants bundle was received on 23 July: The respondents bundle on 31 July 2019.
5. The Direction No.8 stated that *"Only those documents sent in bundles are likely to be before the tribunal at the full hearing and parties should not send documents "piecemeal" to the case officer.* This seems to have been ignored. In the event, the Tribunal did not have sight at or before the date of determination, either of the letter from the Tribunal office to the applicant or of the applicant's email dated 4 June 2019 by way of reply.
6. The Tribunal's attention has been drawn by the representative for the respondent here, to the judgment in the claim by Mrs Gaskin (the tenant) against Urbanpoint Property Management Limited (the representative, not the respondent). It was issued by Deputy District Judge Child in the County Court at Milton Keynes on 10 October 2018. It states at paragraph 3 *"That the Claimant is liable to pay the paper (proper ?) share of the Landlord's public liability allowance but, from evidence of that policy having been provided top (to ?) date, shall not have to do so until 14 days the Production of copies of the policy, policy schedule and a receipted invoice showing that these charges had been incurred at the date charged by the tenant."*

7. The 'proper share' of the cost of public liability and the conditions to be met before any sum was payable by Mrs Gaskin having been already determined by the County Court; this Tribunal had no jurisdiction to re-hear this issue. A revised judgment is therefore issued.

Name: N Martindale

Date: 7 October 2019