



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

Case Reference	:	CAM/12UG/PHC/2019/0004
Property	:	19 Merton Park, High Street, Waterbeach, Cambs CB25 9JX
Applicant	:	Paul Edwards (in person)
Respondent	:	Andrew Manson
Representative	:	Barr Ellison LLP [ref STP/RED/MAN069-0003]
Type of Application	:	by a park home occupier for determination of any question arising under the Mobile Homes Act 1983 or agreement to which it applies [MHA 1983, s.4]
Tribunal	:	Judge G K Sinclair
Date of substantive decision	:	9 th September 2019
Amended (rule 50)	:	18 th September 2019
Date of this decision	:	10 th October 2019

DECISION REFUSING PERMISSION TO APPEAL

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Decision of the tribunal

1. On 9th September 2019 the tribunal issued its decision following determination of this application on paper. On 18th September 2019, following a query by the respondent site owner's solicitors, the tribunal issued an amended decision correcting a minor error at the end of paragraph 16.
2. On 1st October 2019 the tribunal received an application by Mr Edwards dated 28th September 2019 seeking permission to appeal.

3. The tribunal has considered the application by the site owner for permission to appeal and determines that :
 - a. it will not review its decision; and
 - b. permission be refused.
4. 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 appellant 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

5. The tribunal's decision was based on the evidence and submissions put before it in writing. Apart from the front page of the respondent's submissions made as required by the tribunal's earlier directions order the tables or schedules attached to the application for permission to appeal had not been provided and were not before the tribunal when it made its substantive decision in September 2019.
6. As to the applicant's request for production of pre-2015 documents, paragraph 1 a. merely repeats the tribunal's earlier decision when issuing its directions dated 7th May 2019 (referred to in paragraph 5 of the decision) that, applying the overriding objective in rule 3, the expenditure of time and resources either by itself or the parties in such an exercise was not proportionate and, insofar as the request referred to any period prior to May 2015, the same was refused. Further, the applicant took an assignment of the pitch as recently as May 2015 and was aware of and accepted at the time the passing pitch fee.
7. Paragraph 1 b. rules in the applicant's favour, by deducting the overcharged fee for administration added to the water charges. However, while paragraph 1 c. points out that the respondent's figures for water usage do not match the sums and readings actually invoiced by the water supplier, the applicant overlooks the fact that the tribunal has never been asked to determine the pitch fee for this or any previous year.
8. In paragraph 1 d. the decision determines that the most recent pitch fee review form is null and void, meaning that the fee applicable last year continues to apply unless or until a new and complete form is validly served. See also paragraph 22.
9. The decision whether to order a party to reimburse tribunal fees paid by another, under rule 13(2), is a matter entirely within its discretion. In the instant case the applicant failed in his demand that the respondent disclose documentation going back as far as 1977 (or even 1997). He was successful in achieving a declaration that the respondent had overcharged for administration fees contrary to and in breach of the Water Resale Order 2006, and that the most recent pitch fee renewal form was invalid, but his application was ill-thought-out. There was no effective request for determination of the current or any past pitch fees.
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 10th October 2019

Graham Sinclair
First-tier Tribunal Judge