



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

Case Reference : **CAM/26UB/LSC/2019/0054**

Property : **4 Wycliffe Close, Cheshunt, Waltham Cross, Herts EN8 0FJ.**

Applicants : **Miss Adeola Gboyega and Miss Adenike Gboyega**

Respondent : **Hoxa Ltd**

Type of Application : **Permission to appeal**

Tribunal Members : **Tribunal Judge S Evans**

Date and venue of Hearing : **Paper determination**

Date of Original Decision : **20 December 2019**

Date of this decision : **4 February 2020**

DECISION

DECISION OF THE TRIBUNAL

1. The Tribunal has considered the Applicants' request for permission to appeal and determines that:
 - (a) it is out of time, and time should not be extended;
 - (b) the Tribunal will not review its decision; and
 - (c) permission to appeal 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 application is out of time and time should not be extended.
5. An appeal lies on a point of law only, pursuant to section 11 of the Tribunals, Courts and Enforcement Act 2007. The Tribunal may only review its decision if it is satisfied that a ground of appeal is likely to be successful: see rule 55 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
6. The Tribunal considers that no ground of appeal is likely to be successful. 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.
7. 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 Evans

Date: 4th February 2020

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.

Specific comments on the grounds of appeal

1. The Applicants do not have a good reason for failing to seek a review or appeal within time. The decision was sent out on 20 December 2019 but the appeal was not filed until 23 January 2020. Pursuant to rule 52 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the time limit is 28 days after the date that the Tribunal sent its written decision.
2. The awaiting of a response to correspondence sent to the Respondent or its agents and their alleged failure to respond, does not amount to a good reason. The merits of the instant application are not so strong as to overcome any lack of good reason.
3. Therefore, in so far as any application is made for an extension of time to appeal, it is refused.
4. In any event, no review is appropriate, and permission to appeal shall be refused, because:
 - (1) The relevant costs allowed by the Tribunal are for estimated sums only and are not excessive;
 - (2) The Applicants' alleged inability to pay towards any relevant costs already assessed to be reasonable by the Tribunal is not a ground for review or appeal;
 - (3) The Applicants did not seek a determination in relation to years earlier than 2019/2020 and it is not appropriate to challenge earlier years by review or appeal;
 - (4) As to insurance costs, the Tribunal was only being asked to consider the reasonableness of an estimated sum and the Applicants have the right to challenge the actual sum when demand is made by the Respondent if they so wish;

- (5) In the absence of comparable insurance evidence from the Applicants, the Tribunal was entitled to accept the Respondent's evidence;
- (6) The Applicants in their application did not challenge the percentages claimed by the Respondent, and a review or appeal is not the appropriate means to do so;
- (7) The Tribunal was not being asked within the Application to decide whether services or works have been undertaken to a reasonable standard;
- (8) No application was made under s.20C of the Landlord and Tenant Act 1985, and no grounds are set out why such an order should now be made.