



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

Case reference : CAM/00UF/HMF/2019/0016
CAM/00UF/HMF/2020/0004

HMCTS code (paper, video, audio) : P:PAPERREMOTE

Property : 1 Sabina Close, High Wycombe, Bucks
HP12 3HF

Applicant : 1. Vincent Taracha
2. James Nwoseh

Respondent : Mr Ruksar Ahmed

Representative : Fairweather, Whillis & Toghill Solicitors

Type of application : Application for permission to appeal

Tribunal member(s) : Judge Ruth Wayte
Regional Surveyor Mary Hardman

Date of decision : 4 September 2020

DECISION REFUSING PERMISSION TO APPEAL

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers. A face-to-face hearing was not held because no-one requested one and all issues could be determined in a remote hearing on paper, in accordance with the tribunal's usual practice on applications for permission to appeal.

DECISION OF THE TRIBUNAL

1. The tribunal has considered the respondent's request for permission to appeal dated 24 August 2020 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 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. Where possible, you should send your further application for permission to appeal **by email** to Lands@justice.gov.uk, as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently.
 4. Alternatively, 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).

REASONS FOR THE DECISION

5. The reason for the decision is that the tribunal had considered and taken into account all of the points now raised by the respondent, when reaching its original decision, apart from the new information submitted with the appeal, which postdates the decision and largely consists of press reports.
6. The tribunal relied on the recent Upper Tribunal decision of *Vadamalayan v Stewart* [2020] UKUT 0183. To the extent that the application seeks to test the tribunal's application of that case, the tribunal considers that the question of whether to grant permission to appeal is for the Upper Tribunal.
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 in the request for permission to appeal, in the Appendix attached.

Name: Judge Ruth Wayte

Date: 4 September 2020

Attached: Appendix

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

Ground 1

1. The first argument is that the tribunal failed to give any or sufficient regard to the conduct of the respondent. It is argued that he was a good landlord with good relationships with the tenants who provided additional services. The grounds provide further argument on this point which was not adduced at the hearing and in the circumstances, it is inappropriate to consider it now.
2. The bulk of the respondent's evidence on this point was provided in respect of Mr Taracha and was considered at paragraphs [14] to [17]. £640.60 was deducted from the maximum amount based on evidence of the cost of additional services. No such evidence was provided in respect of Mr Nwoseh and therefore no deduction was made, as described in paragraph [28].
3. The tribunal did not consider that the fact that the respondent had a good relationship with his tenants (prior to their application for a RRO) or had otherwise been a "good" landlord merited any further deduction.

Ground 2

1. The second argument is that the tribunal failed to give any or sufficient regard to the respondent's financial circumstances, in particular taking into account the impact of the pandemic. The application enclosed articles taken from the BBC news website to support the argument that the tribunal had taken an overly optimistic view of the likely impact. It is also argued that the fines levied following the respondent's convictions should have been taken into account in consideration of his financial circumstances.
2. The tribunal considered the respondent's finances at paragraphs [18] to [19]. It clearly included consideration of the fine. The comment in relation to the impact of the virus on vacancies was based on the evidence adduced by the respondent. The tribunal is obviously well aware of the effect of the virus generally. The conclusion was that the respondent, who owned six properties, had failed to demonstrate financial hardship and in the light of the very clear steer of the Upper Tribunal in *Vadamalayan*, no further reduction was due.