



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

**HMCTS code
(audio, video,
paper)**

P: PAPERREMOTE

Case reference

: CAM/00MD/MDR/2020/0004

Property

**: Apartment 1, The Coppice, 12 The
Grove, Slough SL1 1QP**

Applicant

: Janet D'Sa

Representative

: N/A

Respondents

**: Paul Garner
Steven Jackson**

Representative

: N/A

Type of application

**: 1. Application for extension of time to
appeal.
2. Application for permission to appeal.**

**Tribunal
member(s)**

**: Tribunal Judge S Evans
Mrs M Hardman FRICS IRRV (Hons)**

**Date and venue of
hearing**

: On paper.

**Date of original
decision**

: 21 October 2020

**Date of this
decision**

: 9 December 2020

DECISION

Covid-19 pandemic: description of hearing

This has been a remote decision on the papers. The form of remote decision was P:PAPERREMOTE. A hearing was not held because it was not necessary; all issues could be determined on paper. The documents we were referred to are the documents described in the decision dated 21 October 2020, and the Applicant's grounds of appeal sent by e-mail on 28 November 2020, the contents of which we have noted.

DECISION OF THE TRIBUNAL

1. The Applicant is directed to the Practice Statement for Composition of Tribunals in the Property Chamber on or after 15 November 2013, which provides that this application must be determined by the same member or members of the Tribunal as gave the substantive decision, unless it would be impractical or would cause undue delay.
2. The Tribunal has considered the Applicant's request for an extension of time to seek permission to appeal and determines that an extension of time shall be granted. The Tribunal notes the request for permission appeal was lodged on 28 November 2020, approximately 9 days late. The Tribunal also takes into consideration that the Applicant cites health reasons and difficulties with her computer as being the reasons for her delay. Although no evidence of health difficulties or laptop malfunctioning has been submitted, the Tribunal gives the Applicant the benefit of any doubt.
3. The Tribunal has considered the grounds for appeal and determines:
 - (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 applicant 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.
5. 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

6. The reason for the decision is that the Tribunal had considered and taken into account all of the points now raised by the Applicant, when reaching its original decision.

7. The original Tribunal's decision was based on the evidence before it and the Applicant has raised no legal arguments in support of the application for permission to appeal.
8. 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 Applicant in the application for permission to appeal, in the appendix attached.

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 law was not in dispute. The Applicant relied on the seminal case of *Street v Mountford* [1985] 1 AC 809, the principles of which (and following cases) the Tribunal applied to the facts as found in the light of the evidence adduced by the parties.
2. The Tribunal was required to ascertain the terms of the agreement and to analyse the agreement as a whole, considering all its written and oral terms. The reasons for preferring the oral evidence of the Respondents to that of the Applicant is set out in paragraphs 68, 69, 77, and 85 of the decision.
3. The Applicant's alleged 8 legal/statutory requirements for a serviced apartment were not argued before the Tribunal; in any event they are irrelevant to the issue as to whether a tenancy had been created, as the Applicant contended.
4. The Applicant was given a fair and equal opportunity to present her case. The Applicant was given the opportunity to ask questions of both of the Respondent's witnesses, but declined. All evidence had been called before the Applicant ceased to participate in the hearing. The Applicant's arguments were put to the Respondent's solicitor in closing submissions.

Name: Tribunal Judge S Evans **Date:** 9 December 2020