



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

Case reference HMCTS Code	:	CAM/00KB/LUS/2020/0001 P: PAPERREMOTE
Property	:	46-130 Wheelwright House, Palgrave Road, Bedford MK42 9BX
Applicant	:	Wheelwright House (46-130) RTM Company Limited
Respondent	:	Sinclair Gardens Investments (Kensington) Limited
Type of application	:	Payment of uncommitted service charges
Tribunal members	:	Judge Wayte Regional Surveyor Hardman FRICS
Venue	:	Cambridge County Court
Date of decision	:	15 April 2021

DECISION ON PERMISSION TO APPEAL

Covid-19 pandemic: description of hearing

This decision has been made on the papers in accordance with the standard practice for applications for permission to appeal. The order made is described below.

DECISION OF THE TRIBUNAL

1. The tribunal has considered the applicant's request for permission to appeal dated 1 April 2021 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 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.
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@justice.gov.uk .

REASONS FOR THE DECISION

4. The email dated 1 March 2021 from the Applicant's representative stated that they wished to appeal not the determination of the amount payable but the statement that "...the tribunal has largely found in favour of the respondent on the basis of their evidence" in paragraph 38, when considering a prospective application for costs. The tribunal's statement was based on its conclusions in paragraphs 28,30 and 32 of the respondent's evidence of the service charges for the relevant years.
5. The representative appears to be under the impression that the statement will effectively defeat any application for unreasonable costs under rule 13. The comments in paragraph 38 are not decisive of that application. It is for the representative to satisfy the tribunal, having made an application under rule 13, that the respondent has acted unreasonably, before the tribunal decides whether to make an order and in what amount. The bulk of the email appears to relate to that application rather than an appeal on a point of law of the tribunal's decision dated 4 March 2021.
6. In the circumstances the tribunal considers that there is no realistic prospect of a successful appeal in this case.

Name: Judge Wayte

Date: 15 April 2021