



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

Case reference : **CAM/00MA/LDC/2 021/0014**

Property : **1 – 25 Ferriby Court Bracknell
Berkshire RG12 1DU**

Applicant : **Silva Homes**

Representative : **-**

Respondent : **Mr S P T Bird and Mr H C Bird (Flat 14)**

Respondent : **PHG Asset Holdings (Flat 21)**

Type of application : **Application for permission to appeal**

Tribunal member(s) : **Mrs E Flint FRICS**

Venue : **Remote hearing on the papers**

Date of decision : **14 July 2021**

DECISION REFUSING PERMISSION TO APPEAL

DECISION OF THE TRIBUNAL

1. The tribunal has considered the respondent's request for permission to appeal dated 19 June 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 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).

REASON 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.
6. 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 below.
7. The application was in respect of the consultation requirements not the liability of the respondents under the service charge regime in their lease. The decision does not prevent the parties making an application regarding the reasonableness of the works or their cost at a later date. The Respondent, in his appeal, has accepted that some works are required but not that the cost should be borne by the lessees. He states that *“we may need the consultation period to thrash out some sort of agreement with the landlord on a fair and just settlement as to the solution of this issue”*. The decision does not preclude any such discussions.

Name: E Flint

Date: 14 July 2021

