



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

Case reference : **CAM/42UD/MNR/2022 0046**

Property : **Room 7, 68 Grimwade St.
Ipswich, Suffolk, IP4 1LW**

Applicant : **Mr Yun Jian Chen**

Representative : **None**

Respondent : **Euan Walsh**

Representative : **None**

Type of application : **Application by the Appellant for
permission to appeal**

Tribunal : **N. Martindale FRICS**

Date & Venue : **26 August 2022
HMCTS, Cambridge
County Court 197 East St.
Cambridge C1 1BA**

Date of decision : **26 August 2022**

DECISION

Decision

1. The Tribunal has considered the tenant's, application for a review and permission to appeal, dated 17 May 2022 and determines that:
 - (a) it will review part of its decision of 18 July 2022 ('the Decision'); but it will not review the remainder.
 - (b) 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 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. 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

'Clerical Mistakes'

4. The applicant requests a correction of two non-material items in the decision of 18 July 2022. The first is to clarify what the rent includes. The Tribunal therefore deletes at para 1 "*excluding water rates and council tax but including any amounts in paras 3*". The Tribunal inserts at para 1 "*including water rates and council tax and any amounts in paras 3*". The second is to clarify the start date of the original contractual tenancy. The Tribunal deletes at para 5 "*18 September*". The Tribunal inserts at para 5 "*13 September*".
5. The applicant offers a counter representation, to representations made about a let room in the same house. Room 6 is said to have been let for £445 pcm without ensuite (Per the landlord) whereas the applicant states that Room 6 does have an ensuite. The explanation from the landlord already submitted in representations is that increases to the rent for Room 6 often lags others. The tenant has been there for some 8 years. The landlord does not represent this rent as recently reset for a room with or without an ensuite.
6. The applicant refers to seasonal increases in the heating bills whereas the all inclusive rents have risen even in summer when space heating demand is low. Inclusive rents have to anticipate rises in charges for mains services.
7. The applicant refers to the rent for his room being the only one recently increased. This Tribunal is only tasked with setting the rent on this room after reference to it, under the Act. The landlord is free to set a rent up to the market level on any room.

8. The applicant refers to the sizes of rooms and that room 3 is larger than room 6 and 7, these two being the same size. The Tribunal notes these observations.
9. The applicant refers to an attachment advertisement for a room in this house at £390 inclusive. There was nothing attached. In any event the time to provide this would have been prior to the determination, such representations now are rejected.

Reason for the Decision

10. *“The requirement of leave to appeal requires one to submit one’s grounds of dissatisfaction for scrutiny to see whether they have sufficient merit to justify an appeal.”* [Saleem v SoS for the Home Department [2001] 1 WLR 443, per Hale LJ @459]. However; *“It is Parliament’s wish and intention that resources should not be devoted to continuing appeals at higher levels if an appeal fails to cross the threshold test of permission to appeal.”* [Moyse v Regal Mortgages Ltd [2004] EWCA Civ 1269, per Brooke LJ @ 31].
11. Rule 55, Property Chamber Rules 2013, restricts the power of review: *“The Tribunal may only undertake a review of a decision – (a) pursuant to rule 53 (review on an application for permission to appeal); and (b) if it is satisfied that a ground of appeal is likely to be successful.”*
12. The refusal of a review and of permission to appeal excepting those first two non-material items set out above, is because the grounds stated, are not arguable and there is no realistic prospect of success.