



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

Case reference : **CAM/00KA/MNR/2022/0070**

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

Property : **24 Rosedale Close Luton LU3 3AP**

Applicant : **Mrs Angela Preedy**

Representative :

Respondent : **Mr Thomas Whelan and Mr Kieran Whelan**

Representative :

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

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

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **25 January 2023**

DECISION

Covid-19 pandemic: description of determination

This has been a determination on the papers which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because it was not practicable and no-one requested one, and all issues could be determined on paper. The documents that the tribunal was referred to are in an electronic bundle, the contents of which the tribunal has noted. The order made is described in these reasons.

DECISION OF THE TRIBUNAL

1. The tribunal has considered the applicant's request for permission to appeal dated 19 October 2022 and, having reviewed its decision and being satisfied that a ground of appeal has a realistic prospect of success, it hereby reviews and amends the decision under section 9(4) and (5) of the Tribunals, Courts and Enforcement Act 2007.
2. Having done so, the tribunal determines that it will review its decision; having given the tenant an opportunity to consider the grounds on which Mr Whelan sought to appeal, a copy of the reviewed and amended decision, re-dated 26 January 2022 is attached.
3. It follows from the above, that the request for permission to appeal is refused.

REASONS FOR THE DECISION

4. The test for whether to grant permission to appeal is whether there is a realistic prospect of success.
5. In the present case, the tribunal considered that the following ground of appeal had a realistic prospect of success, namely the Tribunal had not taken into account the market evidence provided by the landlord because it was of the mistaken view that the landlord had not provided any comparable market evidence.
6. The reviewed and amended decision and reasons are attached.
7. The reviewed and amended decision attracts fresh rights of appeal, in the same way as the original decision. This means that either party may make a request to this tribunal for permission to appeal against the reviewed and amended decision; and such a request must be received by the tribunal within 28 days of the date it is sent to the parties.

Name: E Flint

Date: 25 January 2023